

## **LAFAYETTE CONSOLIDATED GOVERNMENT OFFICIALS**

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Dale Bourgeois, District 2  
Chris Williams, District 3  
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Lenwood Broussard, District 5  
Bruce Conque, District 6  
Marc Mouton, District 7  
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Joe Domingue  
Lucien Gastineau  
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Lorena Green, Secretary II

**Lafayette  
Zoning Ordinance  
September 2003**

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## ORDINANCE O-191

AN ORDINANCE to amend and reenact Ordinance 927, Commission Form of Government Series, City of Lafayette, Louisiana and all zoning ordinances preceding same, as amended, entitled:

“AN ORDINANCE ZONING CERTAIN SECTIONS OF THE CITY OF LAFAYETTE, LOUISIANA, ESTABLISHING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.”

so as to change and amend the old regulations and districts and define and set up new regulations and districts in order to regulate and restrict the size of all buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population, the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and for said purposes divide the City into districts; to regulate and restrict the erection, structural alteration, or use of buildings or land therein; to provide for the change of such regulations, restrictions, and boundaries of zones; to provide the enforcement and authority of the provisions of R.S. 33:4721 – 4730.

WHEREAS, the City Council of the City of Lafayette, Louisiana, deems it necessary in order to lessen congestion in the public streets, to secure safety from fire, to promote health, safety and morals, and the general welfare, to provide adequate light and air; to avoid undue concentration of population; to facilitate adequate transportation, water supply, sewerage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the City in accordance with a comprehensive plan;

BE IT ORDAINED, by the City Council of the City of Lafayette, Louisiana, in regular session convened, that Ordinance 927, Commission Form of Government Series, City of Lafayette, Louisiana, and all zoning ordinances preceding same, as amended, be and the same are hereby amended and reenacted so that as amended and reenacted the same shall read as follows, to wit:

## **ARTICLE I – SHORT TITLE**

Ordinance O-191, adopted by the Lafayette City Council on November 10, 1972, shall be known, referred to, and recited as the 1971 Zoning Ordinance, as amended.

## **ARTICLE II – DEFINITIONS**

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “lot” includes the word “plot”; the word “building” includes the word “structure”; the word “shall” is intended to be mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied.”

**ACCESSORY APARTMENT** – An accessory apartment is a secondary, independent living facility located in, or on the same lot as, a single-family residence.

**ACCESSORY BUILDING** – An accessory building is a subordinate building or a portion of the main building on a lot, the use of which is customarily incidental, secondary, or minor to that of the main or principal building.

**ACCESSORY USE** – An accessory use is a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

**AIRPORT** – The term airport shall mean any area of land or water which is used or intended for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangers, and other necessary buildings and open spaces.

**ALLEY** – An alley is a public or private thoroughfare which affords only a secondary means of access to the rear of abutting property fronting on another thoroughfare and not intended for general traffic circulation.

**ALTERATION (STRUCTURAL)** – A structural alteration is any change other than incidental repairs which would prolong the life of the supporting members of a building such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

**ANIMAL HOSPITAL (A)** – An animal hospital is any building or portion thereof designed or used for the care and observation of animals under medical treatment, supervised by a licensed veterinarian. The treatment of animals shall be limited to the confines of the principal building and shall not be permitted in ancillary or accessory buildings. No outside kennels are permitted.

**ANIMAL HOSPITAL (B)** – An animal hospital is any building or portion thereof designed or used for the care, boarding, grooming, observation, or treatment of animals, supervised by a licensed veterinarian.

**APARTMENT** – An apartment is defined as a room or suite of rooms (excluding single-family detached dwellings or two-family dwellings) designed for or used as living quarters for a person and/or persons, said suite has rooms to include bath and kitchen facilities.

**APARTMENT HOTEL** – An apartment hotel is a hotel in which at least 90 percent of the hotel accommodations are available for occupancy by permanent guests.

**APARTMENT HOUSE** – See “DWELLING, MULTIFAMILY.”

**AUTO LAUNDRY OR CARWASH** – An auto laundry is a building or portion thereof containing facilities for the simultaneous washing of automobiles.

**AWNING** – An awning is a roof-like cover, temporary in nature, which projects from the wall of a building or roof overhang and is supported by cantilevering or bracketing from the face of the building.

**BAR** – A bar is an establishment wherein the main source of revenue is the sale of alcoholic beverages which are customarily consumed on the premises.

**BED AND BREAKFAST FACILITIES** – See Article IV, Section 8

**BILLBOARD** – See Article IV, Section 6

**BOARDINGHOUSE** – A boardinghouse is a building other than a hotel where meals or lodging, or both, are provided for compensation by pre-arrangement for a definite period.

**BUILDABLE AREA** – The area of that part of the lot not included within the yards or open spaces herein required is known as the buildable area.

**BUILDING** – A building is any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property of any kind.

**BUILDING AREA** – The building area is the total area, to the outside of walls, taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, drives, and uncovered parking.

**BUILDING HEIGHT** – The building height is the vertical distance as measured from the established or lot grade to the highest part of the roof.

**BUILDING SITE** – A building site is a parcel of land composed of one or more lots upon which a building(s) and the accessory building(s) are located or can be located; and also includes such open spaces as are required by this Ordinance.

**CAFETERIA** – A restaurant at which patrons serve themselves at a counter and take the food to the tables to eat.

**CAMP** – A camp is a dwelling unit designed to house persons for short periods of time rather than indefinite periods as single-family dwellings are.

**CAMPERS, CAMPING TRAILERS** – These units are not designed for use as single-family dwellings, but rather as camps, and shall include units which are self-propelled.

**CANOPY** – A canopy is a roof-like structure projecting from a wall that is cantilevered or supported in whole or in part by vertical supports to the ground and erected primarily to provide shelter from the weather.

**CARPORT** – A carport is an automobile shelter usually formed by extension of the roof from the side of a building, with one or more open sides.

**CARWASH** – See “AUTO LAUNDRY.”

**CERTIFICATE OF OCCUPANCY** – See Article VII, Section 3.

**CHILD CARE FACILITY, COMMERCIAL** – A facility that is licensed as such by the State of Louisiana and provides non-medical care to children, normally for periods less than 24 hours. It serves more than six children and/or is operated by a person who is not a resident of the site.

**CHILD CARE FACILITY, RESIDENTIAL** – A facility that is licensed as such by the State of Louisiana and provides for non-medical care to children, normally for periods less than 24 hours. It serves six children or less, and the operator is a resident of the site.

**CLINIC** – A clinic is a building or portion thereof designed for or used by one or more physicians, surgeons, dentists, psychiatrists, physiotherapists, or practitioners in related specialties, or combination of persons in these professions who do not offer in-patient care.

**CLUB OR LODGE, PRIVATE** – A private club or lodge is a non-profit association of persons which owns, rents, or leases a building, or portion thereof; the use of such premises being restricted to members and guests.

**COMMISSION** – The Commission shall constitute a parish planning commission in that portion of the Parish outside of the City of Lafayette and a city planning and zoning commission for the City of Lafayette. Except as otherwise provided by the Home Rule Charter, the City-Parish Planning and Zoning Commission shall have all of the powers and duties conferred or imposed on Parish and City planning commissions by the general laws of the State.

**COMPATIBLE USE** – A compatible use is a use which is capable of existing in harmony with other uses situated in its immediate vicinity.

**CONDOMINIUM** – A condominium is any land or building and parts of a building thereon which would normally be used by all the occupants such as yards, foundations, basements, floors, walls, hallways, stairways, elevators, and all other related common elements, together with individual ownership of a particular unit or apartment in such building.

**CONFORMING BUILDING, STRUCTURE, OR USE** – A conforming building, structure, or use is one which complies with all the regulations of this Ordinance or any amendments hereto for the zoning district in which such building or structure is located.

**COURT** – An open space which may or may not have access, and around which is arranged a single building or a group of related buildings, is known as a court.

**DISTRICT** – Any section of the City of Lafayette in which the zoning regulations are uniform is known as a district.

**DORMITORY** – See “BOARDINGHOUSE.”

**DRIVE-IN ESTABLISHMENT** – An establishment which accommodates patrons in automobiles, from which the occupants may purchase goods or services which may be consumed or utilized on the premises. Such an establishment may also serve customers inside the building.

**DRIVE-THRU ESTABLISHMENT** – An establishment designed so as to accommodate patrons to purchase goods or services from an automobile, the consumption or utilization of which shall be off premises. Such an establishment may also serve customers inside the building.

**DRUG STORE** – A business authorized by state law to dispense prescription drugs.

**DUPLEX** – See “DWELLING, TWO-FAMILY.”

**DWELLING** – A dwelling is any building which is designed for or used exclusively for residential purposes.

**DWELLING, MULTIFAMILY** – A multifamily dwelling is a building designed as a residence for more than two families living separately, including apartment houses, apartment hotels, flats, and group houses.

**DWELLING, SINGLE-FAMILY** – A single-family dwelling is a detached building designed as a residence for one family.

**DWELLING, TWO-FAMILY** – A two-family dwelling is a building designed as a residence for two families living separately, commonly called a duplex.

**DWELLING UNIT** – A dwelling unit consists of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed, or used as living quarters for one family.

**FAMILY** – A family is defined as one or more persons who are related by blood or marriage living together and occupying a single housekeeping unit, or a group of not more than four single persons living together by joint agreement and occupying a single housekeeping unit on a non-profit, cost-sharing basis. Domestic servants residing on the premises shall be considered as part of the family.

**FARM** – A farm is any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, or dairy products on sites of five acres or more. It includes necessary farm structures within the prescribed limits and the storage of equipment used.

**FENCE, PRIVACY** – As required for certain developments, minimum six-foot high barrier constructed of masonry or other durable, solid material, including low maintenance wood. (See “Supplementary Regulations”)

FILLING STATION – See “SERVICE STATION.”

FLOOR AREA – Floor area is the sum of the gross horizontal areas of the several floors of the main buildings but not including the area of roofed porches, terraces, or breezeways. All dimensions shall be measured between the exterior faces of the walls.

GARAGE, PARKING – A parking garage is a building, land, or portion thereof designed or used for the temporary storage of motor-driven vehicles with or without the retail dispensing, sale, or offering for sale of motor fuels, lubricants, and tires, or indoor car washing, minor motor adjustment, and flat tire repair when such operations are incidental to the storage of motor-driven vehicles.

GARAGE, PRIVATE – A private garage is an enclosed space for the storage of motor vehicles, provided that no business, occupation, or service is conducted for profit therein, nor space therein for more than one car is leased to a non-resident of the premises.

GARAGE, PUBLIC – A public garage is a building, land, or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

GARAGE, STORAGE – A storage garage is an enclosed space for the storage of vehicles pursuant to previous agreement and not to transients; to include principally, but not to restrict, the occupants of those premises for which the storage garage is being built, and at which automobile fuels and oils are not sold and motor vehicles are not equipped, repaired, hired, or sold.

HOME, CONVALESCENT – See “NURSING HOME.”

HOME OCCUPATION – A home occupation as applied to all residential districts shall be considered as a use for commercial purposes conducted within a dwelling unit by the resident(s) thereof, which is clearly secondary to the use of the dwelling for living purposes, and which does not change the residential character of the dwelling unit or its surroundings. See Article IV, Section 7.

HOSPITAL – A hospital is a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than 24 hours in any week of three or more non-related individuals suffering from illness, disease, injury, or deformity, except homes for the aged or nursing or convalescent homes.

HOTEL – A hotel is a building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests and transients and where only a general kitchen and dining room are provided within the building or in an accessory building.

HOTEL, APARTMENT -See “APARTMENT HOTEL.”

HOTEL, SMALL – Essentially the same as “hotel” but does not contain more than 50 guest rooms and does not exceed three stories in height.

**INCOMPATIBLE USE** – An incompatible use is a use which is incapable of existing in harmony with other uses situated in its immediate vicinity.

**INSTITUTION** – An institution is a building or group of buildings designed or used for the non-profit, charitable, or public-service purposes of providing board, lodging, or health care for persons aged, indigent, or infirmed; or a building or group of buildings for the purpose of performing educational or religious services and offering board and lodging to persons enrolled for training.

**JUNKYARD** – A junkyard is the use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any street for the storage, keeping, or abandonment of junk, including scrap metals, building materials, or other scrap materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. For the purposes of this Ordinance an abandoned automobile or other vehicle shall constitute a junkyard.

**KENNEL** – A kennel is any premise on which animals are maintained, boarded, bred, or cared for, in return for remuneration; or are kept for the purpose of sale.

**KINDERGARTEN** – A kindergarten is a school for children which attempts to cultivate a normal aptitude for exercise, play, observation, imitation, and socializing.

**LANDSCAPING** – For all definitions pertaining to landscape requirements, see Article IV, Section 9.

**LAUNDROMAT** – A business which provides for the hire and use on the premises of self-service washing, drying, and/or ironing machines is known as a laundromat.

**LINE, RIGHT-OF-WAY** – A right-of-way line is the boundary or dedication line of a street.

**LINE, STREET** – A dividing line separating a lot, tract, or parcel of land from an adjacent street is known as a street line.

**LOCAL/RESIDENTIAL STREET** – A local or residential street is a street shown as such on the Consolidated Thoroughfare Plan of the Lafayette Consolidated Government.

**LODGING HOUSE** – See “ROOMING HOUSE.”

**LOT** – A lot is defined as a parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Ordinance.

**LOT, CORNER** – A corner lot is a lot abutting two or more streets at their intersection.

**LOT, DEPTH OF** – The depth of a lot refers to the horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

**LOT, FRONTAGE OF** – The frontage of a lot is the length of all the property of such lot fronting on a street and measured between the side lot lines.

LOT, INTERIOR – An interior lot is a lot other than a corner lot.

LOT LINES – Lot lines refer to the property lines bounding a lot as defined herein.

LOT OF RECORD – A lot of record is a lot which is part of a subdivision, the map of which has been recorded in the office of the Parish Clerk of Court; or a parcel of land which became legally established and defined by deed or act of sale on/or before the adoption of this Ordinance.

LOT, WIDTH OF – The width of a lot refers to the mean width measured at right angles to its depth.

LOUNGE – See “BAR.”

MAJOR STREET – A street shown as a major street on the Consolidated Thoroughfare Plan of the Lafayette Consolidated Government is a major street.

MANUFACTURING, LIGHT – Light manufacturing is the manufacturing or processing of materials employing electrical or other unobjectionable motive power, utilizing hand labor, or other unobjectionable machinery or processes, and free from any objectionable odors, fumes, lint, vibration, or noise.

MANUFACTURING, RETAIL – Baking, confectionery, dress making, dyeing, laundry, printing, tailoring, upholstering, and similar establishments, and businesses of a similar and no more objectionable character. Goods or products manufactured or processed may be sold at retail or wholesale on or off the premises.

MINIWAREHOUSE/SELF-STORAGE – See “SELF-SERVICE STORAGE FACILITY”.

MOBILE HOME – A mobile home is a dwelling unit which is or can be capable of being transported from place to place using wheels that are or could be attached to the unit itself. These units, for the purposes of this Ordinance, must have at least one bedroom, a kitchen, bathroom, and one other room used generally for living.

MOBILE HOME PARK – A mobile home park is an area providing spaces where one or more mobile homes can be or are intended to be parked, with flush toilet and bathing facilities provided on the site.

MOTEL – A motel is an establishment which:

- (1) Is intended primarily for automobile transient guests.
- (2) Provides sleeping accommodations in rooms for pay.
- (3) Provides customary motel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, and the provision and maintenance of furniture.

MOTOR VEHICLE – A motor vehicle is a vehicle which is self-propelled.

NIGHTCLUB – See “BAR”

NON-CONFORMING USE – A non-conforming use is a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

NURSERY – A nursery is a place for the propagation of small trees, shrubs, and plants; when permitted in a residential zone, the nursery may not cover an area greater than 2,000 square feet and must be located in the side or rear yard only; and only the products grown on the premises may be sold on site.

NURSING OR CONVALESCENT HOME – A nursing home is a building or part thereof, providing shelter, board, and nursing care for three or more persons of all ages not related to the operator, requiring such care because of infirmities of old age, illness, and/or disability of a physical or mental nature.

OPEN SPACE – Any area of a lot, site, tract, or plot exclusive of structures, driveways, parking, or open storage areas, which is open to the sky, is known as open space. In the case where a development includes private streets or common areas, these areas can be applied proportionally in the calculation of the minimum lot size in all zoning districts, excluding the Special Districts.

PARKING LOT – A parking lot is an open area which is used for temporary parking of motor vehicles.

PARKING LOT, COMMERCIAL – A commercial parking lot is an open area which is used for temporary parking of motor vehicles and for which service a fee is charged.

PARKING LOT, PRIVATE – A private parking lot is an open area which is used for the temporary parking of motor vehicles which is an adjunct to the operation of a business or industry.

PARKING SPACE – A parking space is the off-street space available within property boundary lines for the parking of one motor vehicle as approved by Traffic Engineering.

PERSONAL SERVICE SHOP – A personal service shop is a business establishment such as a barbershop, beauty parlor, massage, or similar personal service shops.

PRINTING AND GRAPHICS – A business engaged in the custom design and/or reproduction of written or graphic materials. Typical processes include computerized design and printing, photocopying, and facsimile sending and receiving.

PROPERTY LINES – Property lines are the lines bounding a lot, as defined herein.

PUBLISHING – A business which produces publications using equipment capable of high-volume, large scale output.

**RAILROAD RIGHT-OF-WAY** – A railroad right-of-way is a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train shed, warehouses, car or locomotive shops, or car yards.

**RESTAURANT**- A retail establishment offering food and beverage for consumption on the premises where the major source of revenue is the sale of food. For establishments which serve alcoholic beverages, a restaurant shall be distinguished from a bar or lounge by further having the following minimum requirements:

- A. Is a place of business whose purpose and primary function is to take orders for and serve food and food items;
- B. Serves alcoholic beverages in conjunction with meals;
- C. Serves food on all days of operation;
- D. Maintains separate sales figures for alcoholic beverages;
- E. Operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises;
- F. Derives greater than 50% of its gross sales income from the sale of food and food items rather than alcoholic beverages.

**ROOMING HOUSE** – A rooming house is a residential building or portion thereof containing sleeping rooms which will accommodate persons who are not members of the keeper's family.

**SANITARIUM** – A sanitarium is an institution for the recuperation and treatment of victims of physical or mental disorders.

**SCHOOL, BUSINESS/PROFESSIONAL** – A business school is a privately owned school offering instruction in accounting, secretarial work, business administration, fine or illustrative arts, trades, dancing, music, and similar subjects.

**SCHOOL, PRIVATE** – A private school is one which is privately owned which has a curriculum essentially the same as ordinarily given in a public elementary or high school. The term includes day nurseries and kindergartens.

**SCHOOL, TRADE OR INDUSTRIAL** – A trade or industrial school is an establishment, public or private, offering training to students in skills required for the practice of trades in industry.

**SELF-SERVICE STORAGE FACILITY** – A building or group of buildings in a controlled-access compound that contains varying sizes of individual, compartmentalized, controlled-access stalls or lockers for the storage of customers' goods or wares.

**SERVICE STATION** – A service station is any building or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels, lubricants, or tires except that indoor car washing, minor motor adjustment, and flat tire repair may be performed when incidental to conduct of a service station.

**SHOPPING CENTER** – A shopping center is a group of retail stores, planned and designed for the site upon which they are built.

SIGN – For all definitions pertaining to sign regulations, see Article IV, Section 6.

SITE, BUILDING – See “BUILDING SITE.”

STREET – A street is a public or private thoroughfare which affords the principal means of access to abutting property.

STREET LINE – See “LINE, STREET.”

STRUCTURE – A structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, including among other things stadiums, storage bins, display signs, and radio towers.

THEATER, DRIVE-IN – See “DRIVE-IN ESTABLISHMENT.”

TOURIST HOME – A tourist home is a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

TOWNHOUSE – A townhouse is a single-family dwelling forming one of a group or series of two or more attached single-family dwellings, separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement or cellar to roof, and having roofs which may extend from one of the dwelling units to another.

TRAILER – A trailer is any vehicle, covered or uncovered, used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motor power or other means. The term “trailer” shall include camp car and house car.

TRAILER PARK – See “MOBILE HOME PARK.”

TRUCK STOPS – A structure or land intended to be used primarily for the sale of fuel for trucks and usually incidental service or repair of trucks; or a group of facilities consisting of such uses and attendant eating, sleeping, or truck parking facilities. As used in this definition, the term “truck” does not include any vehicle whose maximum gross weight is 10,000 pounds or less.

USE – The use of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY – See “ACCESSORY USE”.

USE, CONDITIONAL – A conditional use is one allowed in certain districts at the discretion of the Zoning Commission provided it meets criteria set forth in this Ordinance.

USE, PRINCIPAL – A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use.

WHOLESALE ESTABLISHMENT – A wholesale establishment is a business establishment engaged in selling to retailers or jobbers rather than consumers.

YARD – A yard is an unoccupied space open to the sky, on the same lot with a building or structure.

YARD, FRONT – A front yard is an open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.

The yard shall follow the contour of the lot line except for the arcs formed by the intersection of two streets. In such cases a straight line shall be projected from where the lot line is straight to form the yard. In the case of the presence of arcs not formed by intersecting streets, the yard shall follow the contour of the lot line.

YARD, REAR – A rear yard is the open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

The yard shall follow the contour of the lot line except for the arcs formed by the intersection of two streets. In such cases a straight line shall be projected from where the lot line is straight to form the yard. In the case of the presence of arcs not formed by intersecting streets, the yard shall follow the contour of the lot line.

YARD, SIDE – A side yard is an open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear or front line shall be deemed a side line.

The yard shall follow the contour of the lot line except for the arcs formed by the intersection of two streets. In such cases a straight line shall be projected from where the lot line is straight to form the yard. In the case of the presence of arcs not formed by intersecting streets, the yard shall follow the contour of the lot line.

ZONING DISTRICT – See “DISTRICT.”

## ARTICLE III – ESTABLISHMENT OF DISTRICTS

SECTION 1 – LIST OF DISTRICTS: For the purpose of promoting the public health, safety, morals, and general welfare of the community, the City of Lafayette is hereby divided into the following districts:

- R-1-A Single-Family Residential District
- R-1-B Single-Family Residential District
- R-1-C Single & Two-Family Residential District
- R-2 Multifamily Residential District
- \* R-3 Mobile Home Park District
- \* R-4 Condominium & Townhouse District
- \* B-1-M Business-Medical District
- \* B-1-O Business-Office District
- B-N Neighborhood Business District
- B-1-L Limited Business District
- B-T Transitional Business District
- B-2-I Intermediate Business District
- B-G General Business District
- CBD Central Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- GAD Growth Area District

\* Special Districts, except R-4, require site plan approval from the Zoning Commission.

SECTION 2 – SPECIAL DISTRICTS: The zoning districts appearing below are special in that they are created as needed by the amendment procedure as set forth in this Ordinance and require approval by the Commission. Appeals of Commission approval may be made, within five working days of the approval, through the Department of Planning, Zoning, and Codes, to the Lafayette City-Parish Council.

- I. R-3 Mobile Home Park District – These districts offer parking and other facilities for mobile homes and are generally small as their boundaries coincide with the boundaries of the mobile home park subdivision. The regulations are designed to protect the residential character of the area by prohibiting arbitrary commercial activities and encouraging a suitable neighborhood environment for family life. Further, the regulations are designed to prevent overcrowding of the land by requiring certain minimum area building sites for each unit. It is intended that these Mobile Home Park Districts be created in accordance with the amendment procedure set forth herein as they are needed. The application for a Mobile Home Park District should be submitted in conjunction with the application to subdivide.

Regardless of whether or not the amendment procedure above is necessary, all applications and plats for mobile home parks shall be submitted to the Planning Commission for approval, and these shall meet the same requirements as set forth in the R-3 Mobile Home Park District.

MOBILE HOMES: For the purpose of this Zoning Ordinance, a mobile home is not considered a single-family residence. As such it is not permitted for use or occupancy in any zoning district other than R-3 (Mobile Home Park) district; BG; CBD; and I-1, except as authorized under Ordinances O-182 and O-1666.

A. Permitted Uses in the R-3 District

1. Accessory Use
2. Home Occupation
3. Mobile Home

B. Area and Yard Requirements

1. Minimum Lot Area – 3,500 Square Feet
2. Minimum Yard Requirements
  - a. Front Yard – 20 feet
  - b. Side Yard – Five feet per side
  - c. Rear Yard – Ten feet
  - d. Minimum yards shall be used for open space and no home, projection therefrom, or accessory use shall be allowed within this area.

C. Any segment of a Mobile Home Park District not fronting on a street shall be separated from adjacent districts by a dense shrubbery planting at least five feet in height or as an alternative, a wall made of masonry or other durable material not less than five feet nor more than seven feet in height.

D. On the street frontage where ingress and/or egress are proposed, a 20-foot setback from the property line shall be provided which shall be planted with grasses, shrubs, or trees. Plantings in this area shall be maintained in a manner not to obstruct sight distance for vehicles entering or leaving the mobile home park.

E. The 20-foot setback area mentioned above shall be free of buildings or trailers and no part of such area can be used for the parking of vehicles or to satisfy yard requirements appearing in paragraph B.2 above.

II. B-1-O Office District – This type of district is designated to allow property in transitional areas and other areas to be used for the provision of office space. For the purpose of this section, a transition area is defined as one which lies between a district zoned for commercial use and one zoned for residential use. A district of this type is special in that it is to be created as needed through the amendment procedure as set forth in this Ordinance upon petition of the property owner. A zoning classification of this type shall be granted provided that no construction or development occurs until such time that a site plan is approved by the Zoning Commission. Any building or buildings situated on the property which is granted this type of zoning classification may be used as allowed in the permitted uses of the zoning district from which the property was changed until such time as construction or development commences pursuant to the approved site plan. Although the said building or buildings may be repaired, renovated, or remodeled, no additions to or enlargements of the said building or buildings shall be permitted unless the site plan is approved by the Zoning Commission. Although the use of the B-1-O Office District classification is not limited to transitional areas, its use in those areas is encouraged inasmuch as it serves as an ideal buffer between the residential and commercial or business classifications.

A. Permitted Uses – See Schedule of Zoning District Regulations

B. Area and Yard Requirements – See Schedule of Zoning District Regulations

1. Open Space – See Article V
2. Parking – See Article V
3. Signs – See Article IV, Section 6

III. Growth Area District – The purpose of the Growth Area Zoning District is to allow for the orderly annexation and subsequent zoning of annexation areas in which approved development plans do not exist.

A. Uses of Property

1. Existing Uses – The lawful use of any building or land existing at the time of annexation may be continued.
2. Construction Approved Prior to Ordinance – Any building legally under construction or approved for construction at the time of annexation will be established as an existing use.
3. Extension – Existing buildings may be extended, contingent upon securing proper building permits, provided that such extension(s) will not increase the size of the original building by more than 100 percent total, and provided that no change in use will occur as a result of the extension(s).
4. Replacement and/or Alterations – Any existing structure may be replaced and/or altered if said structure is unsafe (as determined by the Building Inspector), or is destroyed by vandalism, fire, storm, or other acts of God or the public enemy, provided that such replacement and/or alteration be done in conformance with No. 3 above.
5. New Construction – New construction of any structure, except as provided in Nos. 3 and 4 above, will be permitted in any Growth Area Zoning District property only after that individual tract for the proposed structure has been submitted for a zoning classification other than Growth Area District. (There will be no new construction of detached buildings.)
6. District Changes – Whenever the boundaries of the Growth Area Zoning District shall be changed to a different classification, the provisions of Article VI – Non-Conforming Uses of the Lafayette Zoning Ordinance shall apply.
7. Height, Density, and Setbacks – Height, density, and setback requirements shall apply as prescribed in the Schedule of Zoning District Regulations – Growth Area District of the Lafayette Zoning Ordinance.

B. Time Limitations – The Growth Area District zoning classification will apply to that property until such time as:

1. The City-Parish Council, Planning and Zoning Commission, or Department of Planning, Zoning, and Codes judges that development of surrounding areas warrants a review of the subject property at which review and hearing the Council, by recommendation of the Commission, may place a more restrictive zoning classification on some or all of the subject property, or may elect to have subject property remain as a Growth Area District. An annual review of all Growth Area Districts will take place at the January Zoning Commission meeting. This annual review will continue until such time that a specific zoning classification is assigned to the GAD area.
2. The owner or owners of property zoned Growth Area District may elect to develop, sell, or divide individual property. At this time, the individual property owner may petition the City-Parish Council through the Zoning Commission for a new zoning classification for all or a portion of his property. Petitions shall be made in accordance to Article X – Amendments and Petitions of the Lafayette Zoning Ordinance with the exception of Section 5, IV, Filing and Processing Fees which shall not be required for reclassification requests from Growth Area District to any other zoning classification. The Zoning Commission will then proceed through normal zoning reclassification procedures.

Subsequent to final disposition of any considered zoning change as identified above, all subsequent requests for reclassification shall be in full accordance with all provisions of Article X – Amendments and Petitions.

3. Property zoned Growth Area District shall be considered on a priority basis and shall be scheduled at the earliest possible scheduled Regular Meeting of the Zoning Commission.
4. In accordance with all procedures established in Ordinance O-191, the City Zoning Ordinance, the City-Parish Council may assign the zoning classification requested by the petitioners, a more restrictive zoning classification, or may elect to leave the property as Growth Area District.

**SECTION 3 – OFFICIAL MAP:** The boundaries of said districts are shown on a separate instrument referred to as the Official Zoning Map of Lafayette, LA. The Map, together with all the notations, references, and other information thereon, is made a part of this Ordinance and has the same force and effect as if fully set forth or described herein. The original Official Zoning Map shall be properly attested to and placed on file in the office of the City-Parish Council.

**SECTION 4 – INTERPRETATION OF DISTRICT BOUNDARIES:** Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- I. Where district boundaries are indicated as following streets, highways, or alleys, the center line of such streets, highways, or alleys shall be construed to be such boundaries.

- II. Where the land has been or may hereafter be divided into blocks and lots and where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- III. In subdivided property the district boundary lines on the Official Zoning Map shall be determined by use of the scale appearing on the map.
- IV. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

SECTION 5 – CLASSIFICATION OF ANNEXED TERRITORY: All territory which was annexed during the study and processing of this Zoning Law and all territory which may hereafter be annexed to the City of Lafayette, Louisiana, shall be automatically assigned a Growth Area District classification until existing land uses are determined and adequate zoning can be adopted by ordinance after public hearing.

SECTION 6 – REGULATIONS OF AREAS UNDER WATER: All areas within the Corporate Limits of the City of Lafayette which are under water and not shown as included within any district shall be subject to all of the regulations of the district adjacent to the water area.

## ARTICLE IV – GENERAL REGULATIONS

SECTION 1 – USE OF BUILDING OR LAND: No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, moved, or structurally altered unless in conformity with the regulations as set forth in this Ordinance; with the exception of buildings legally nonconforming as to use that are destroyed by vandalism, fire, storms, or other Acts of God or the public enemy provided the restoration is accomplished with no increase in cubical content and no increase in floor area over the building existing immediately prior to the damage.

SECTION 2 – SIZE AND LOCATION OF BUILDING: Except as hereinafter provided, no building shall hereafter be erected or altered:

- I. To accommodate or house a greater number of facilities;
- II. To occupy a greater percentage of lot area; or
- III. To have narrower or smaller rear yards, front yards, side yards, or inner or outer courts, than is specified herein for the district in which such building is located.

SECTION 3 – YARD AREA: No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

SECTION 4 – ONE BUILDING TO A LOT: Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot of record and in no case shall there be more than one main building on one lot unless otherwise provided for in the “Supplementary Regulations.”

SECTION 5 – PARKING LOTS (PRIVATE & COMMERCIAL):

- I. Private Parking Lot – A private parking lot is one used for the parking of vehicles as an adjunct to the operation of a business or industry and for the use of which no fee shall be charged. Use of the lot shall be for parking only. Repair work, servicing work, greasing, and washing are expressly prohibited. No permit issued under the provisions of this section shall be valid until and unless the following regulations are met:
  - A. Site Development – A site development plan prepared by the owner or his authorized agent shall be submitted containing the standards set forth in Chapter 26, Article XIII, Division 2 of the Lafayette City-Parish Consolidated Government Code of Ordinances. This site development plan shall also show existing conditions and measurements as well as the proposed plan including parking layout designs, driveways, proposed planting, protective barriers, and any other details necessary to fulfill the requirements of this section. The plan shall be submitted to the Department of Planning, Zoning, and Codes, who shall submit the plan to the City-Parish Traffic Engineer, who shall render a decision of acceptance or rejection within ten working days. After any plan is accepted by the City-Parish Traffic Engineer, it must be strictly adhered to by the applicant.

- B. Accessibility – Adjunct parking lots for the purpose of required off-street parking must be accessible to a public street. Each and every ingress and egress shall meet the requirements of the Driveway Regulations set forth in Chapter 26, Article XIII, Division 3 of the Lafayette City-Parish Consolidated Government Code of Ordinances.
- C. Setback – Where the area immediately behind and adjacent to the street right-of-way is to be used as a parking area, curbs, or other barriers shall be installed as may be required by the City-Parish Traffic Engineer to prohibit such parked vehicles from extending into the street right-of-way. The parking lot shall be set back a minimum of three feet except when five feet or ten feet are required by Section 9 – Landscape Requirements.
- D. Yard Separation – Whenever the parking lot adjoins vacant or developed property residentially zoned, a continuous fence not less than five feet nor more than seven feet in height, constructed of permanent durable-type material shall be constructed by the owner of the parking lot between the parking lot and the residentially zoned area.
- E. Land Tract – The property or consolidation of properties to be used for a parking lot under the provisions of this section must be located within the tract of land containing the principal use. Property petitioned for a parking lot under the provisions of this section and separated only by an alley, servitude, or street from the property containing the principal use, shall be considered contiguous. No parking stall shall be located further than 300 feet from the property line of the principal use.
- F. Combined Facilities – The off-street parking facilities required by two or more uses located on the same building site may be combined and used jointly by two or more uses having different standards for determining the amount of facilities required; the off-street parking facilities shall be adequate in area to provide the sum total of the facilities required of all such uses provided further that where the facilities are combined and used jointly by two or more uses having the same standard for determining the amount of parking required of all such uses for the purposes of this section shall be considered as a single unit in determining the amount of off-street parking facilities required.
- G. Leases – Parking required for a site may be provided adjacent to the site or separated by a right-of-way for a street, alley, or servitude, and in accordance with Land Tract above, on property not under the same ownership as the site which contains the principal use. In the case of both properties being leased, the parking area must be leased for a period of time equal to or longer than the lease of the principal site. In the case of the building being owned by the operator, the lease of the parking area must be maintained as long as the business is operating. A copy of the new lease must be filed with the Zoning Administrator prior to expiration of the current lease.

- II. Commercial Parking Lot – A commercial parking lot is one used for the parking of vehicles and for the use of which a fee is charged. Use of the lot shall be for parking only. Repair work, servicing work, greasing, washing, sale, or dispensing of any merchandise of any kind is expressly prohibited. Such lots are allowed where permitted by the zoning district regulations. No permit issued under the provisions of this section shall be valid until and unless the following regulations are met:
- A. Site Development – A site development plan prepared by the owner or his authorized agent containing the standards set forth in Chapter 26, Article XIII, Division 2 of the Lafayette City-Parish Consolidated Government Code of Ordinances, supported by data certified by a registered Civil Engineer or Surveyor showing existing conditions and measurements as well as the proposed plan including parking layout, design, driveways, proposed planting, protective barriers, and any other details necessary to fulfill the requirements of this section shall be submitted through the Department of Planning, Zoning, and Codes to the City-Parish Traffic Engineer who shall review the plan and render a decision of approval or disapproval within 30 days. After any plan, regardless of kind, is approved by the City-Parish Traffic Engineer, it must be strictly adhered to by the applicant.
  - B. Accessibility – Such lots must be accessible to a public street. Each and every ingress and egress shall meet the requirements of the Driveway Regulations set forth in Chapter 26, Article XIII, Division 3 of the Lafayette City-Parish Consolidated Government Code of Ordinances.
  - C. Setbacks – Where the area immediately behind and adjacent to the street right-of-way is to be used as a parking area, curbs, or other barriers shall be installed as may be required by the City-Parish Traffic Engineer to prohibit such parked vehicles from extending into the street right-of-way. The parking lot shall be set back a minimum of three feet except when five feet or ten feet are required by Section 9 – Landscape Requirements.
  - D. Yard Separation – Whenever the parking lot adjoins vacant or developed property residentially zoned, a continuous fence not less than five feet nor more than seven feet in height, constructed of permanent durable type material shall be constructed by the owner of the parking lot between the parking lot and the residentially zoned area.
  - E. Planting – Where plantings are provided adjacent to the street right-of-way line, they shall be maintained in a manner not obstructing sight distance for vehicles entering or leaving the parking lot.

## SECTION 6 – SIGNS:

### I. PERMIT INFORMATION – Permits for signs must show this information:

1. Size of sign
2. Number of faces
3. Location on lot in reference to right-of-way/property line and side lot line (not permitted to extend over right-of-way)
4. Means of illumination
5. Height of signs
  - A. To top of sign
  - B. Clearance from ground
6. Front footage of property and building frontage
7. Sign shall not be located within the sight triangle
8. Number and size of each sign existing on property
9. Number and size of each sign proposed on property

### II. DEFINITIONS:

**SIGN** – A sign is any object, device, display, or structure, or any part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illuminated, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, or city, or any fraternal, religious, or civic organizations; merchandise, pictures, or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields.

**SIGN, ADVERTISING – BILLBOARD/OFF-PREMISE ADVERTISING SIGN** - an advertising sign which directs the attention of the public to a business activity conducted, or product sold or offered for sale at a location not on the same premises where such sign is located.

Exclusions: (1) An Official Business Directional Sign erected and maintained by the State of Louisiana, Department of Transportation and Development, or any other entity authorized by the State, which indicates to the traveling public the route and/or distance to scenic, historic, cultural, educational, recreational or service sites or locations of interest shall not be deemed to be included within the definition of BILLBOARD/OFF-PREMISE SIGN.

(2) Any advertisement structure permitted, authorized or contracted for by a state, parish or municipal governing authority pursuant to LSA-R.S.48:236 under the terms of which advertising is allowed on convenience facilities such as benches, shelters, kiosks and other items located within public rights of way as designated stops of a public transit system, shall not be deemed to be included within the definition of BILLBOARD / OFF-PREMISE SIGN.

SIGN, BUSINESS – A business sign is a sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located.

SIGN, FLASHING – A flashing sign is a sign on which the illumination is intermittent or not maintained in intensity and/or color.

SIGN, ILLUMINATED – An illuminated sign is any sign illuminated by one or more lighting devices.

SIGN, NAMEPLATE – A nameplate sign is a sign, attached to a building, which states the name and/or address of the profession or business on the lot where the sign is located.

SIGN, STACKING OF – The stacking of a sign is constituted by the placement of more than one (1) face, on a structure intended for the attachment of a face per side on a business sign.

SIGN, SURFACE AREA OF – The surface area of a sign is the entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

SIGN, TEMPORARY – Any sign which is not secured to a permanent structure in accordance with the appropriate building codes.

III. GENERAL REGULATIONS – The following regulations shall apply to signs in all districts unless otherwise provided for elsewhere in this Ordinance:

- A. All signs shall be constructed and erected in accordance with the Building Code of the City-Parish of Lafayette.
- B. All business and advertising signs must be attached to or located on private property.
- C. No sign shall be erected so as to prevent free ingress or egress from any door, window, or fire escape; and no sign of any kind shall be attached to a standpipe or fire escape.
- D. On a corner lot in any district, located on private and/or public streets, no automobile, trailer, sign, moveable object, fence, wall, hedge, or other structure shall be erected, placed, or maintained within the triangular area formed by the intersecting projections of the right-of-way lines (for public streets) or the edge of the pavement (for private streets) at points which are 30 feet distant from the point of intersection, measured along said right-of-way lines or edge of pavement. Excluded from this restriction are: (a) utility poles, guy wires, and fire hydrants; (b) traffic and/or street signs where necessary; (c) trees situated in the said triangular area as of the effective date of this Ordinance; and (d) plantings or grass which are less than 12 inches in height from grade. For further classification and interpretation, see graphic representation, Sight Triangle Regulations, in Appendix A (A-11, A-12).

- E. Any sign affixed flat against the wall of a building and which is not more than 15 inches in thickness shall be deemed a **wall sign**. Such signs shall not extend more than 15 inches over public or private property; however, lighting devices may extend not more than 72 inches over public (or private) property provided that the lowest part of such device is at least 15 feet above the finished grade.
- F. Any sign attached to the wall of a building and extending out more than 15 inches shall be deemed a **projecting sign**. Such signs may extend not more than 72 inches over public (or private) property, in no event closer than one foot from the curb lines; and shall be at least ten feet above the finished grade of the sidewalk. For the purpose of this Ordinance, any sign hanging from a projecting roof shall be considered a projecting sign and shall be limited to a maximum length of six feet. However, such sign shall not exceed the bounds of the roof projection.
- G. The illumination of any sign within 50 feet of and facing a residential zone lot line shall be diffused or indirect and designed to prevent direct rays of light from shining into adjoining residential districts. Neon signs and plastic face signs with interior lighting are considered diffused or indirectly lighted signs. In no event shall flashing or intermittent illumination be permitted where the sign faces directly into and is nearer than 300 feet to dwellings in a residential district.
- H. **Temporary or portable signs** indicating an event of public interest such as a state or local fair, cattle, or horse show, business grand openings, etc., may be erected on a 45-day renewable permit in any zone on approval of the Zoning Administrator and shall be removed at the end of the permit period by the applicant and/or property owner. All other temporary signs are expressly prohibited.
- I. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises, or endangers the public safety, the Zoning Administrator shall give written notice to the owner of the sign or the owner of the premises on which the sign is located that such sign be made safe or removed within ten days.
- J. Any business or outdoor advertising sign legally existing prior to the adoption of this ordinance which does not conform to these provisions shall not be altered or changed in overall dimensions, except to conform to the provisions of this ordinance. A non-conforming sign may not be replaced, reconstructed or structurally altered unless destroyed by vandalism, fire, storm or other act of God or the public enemy, and then only when the following circumstances also exist. If damaged or destroyed by vandalism, fire, storm, or other acts of God or the public enemy, the sign may be repaired only if the cost of repair to said structure is less than 50% of its current fair market value. If repaired, no increase in square footage, the number of faces or the height of the sign from that which existed immediately prior to the occurrence causing the need for its repair shall be allowed. If the sign is not repaired within six months after the occurrence of the damage, this provision shall not apply, and no repair shall be permitted. Nothing contained herein shall be construed to prevent normal maintenance and repairs, repainting or posting of such signs or structures. In the event that a billboard or off-premise sign does not qualify for repair, due to the extent of the damage, same shall be removed within six months upon demand of the Director of the Department of Planning, Zoning and Codes. Any existing billboard or off-premise sign which through normal wear, decay or damage deteriorates to the point where same

cannot be refurbished or repaired for a cost which is less than 50% of its current fair market value shall be removed within six months of demand for said removal by the Director of the Department of Planning, Zoning and Codes.

- K. To provide reasonable flexibility in these regulations, the Board of Zoning Adjustment may approve an application for a business sign or advertising structure which may not conform with the provisions of the district in which it is located, where the location, size, or addition would not be inconsistent with the character of the area or neighborhood in which such sign or structure is to be located.
- L. No revolving and/or flashing device or sign of any kind or color may be used if such device or sign may be mistaken for that of a police car, ambulance, or other emergency vehicle.
- M. If located within direct vision of traffic control devices, no flashing or intermittent red, green, or amber illumination shall be used.
- N. No sign shall be positioned so as to allow any portion of same to infringe upon any easement or the vertical plane of said easement.
- O. PROHIBITED SIGNS: Billboards and off-premise signs are hereby prohibited in the City of Lafayette and the unincorporated areas of Lafayette Parish, except as same are permitted to remain under the provisions of this ordinance, and no sign permit or building permit shall be granted for the construction of a new billboard or off-premise sign on or after the effective date of this ordinance. Any person who has acquired a permit for the construction of a billboard or off-premise sign prior to the effective date of this ordinance shall actually construct said sign within six months following the effective date of this ordinance, in default of which the permit authorizing same shall be deemed to have lapsed and no new permit may be issued.

IV. SIGNS IN RESIDENTIAL DISTRICTS – In residential districts, no signs shall be permitted except the following:

- A. A sign, not to exceed two square feet in area, giving only the name and/or address of the owner or lessee of the land or building.
- B. A sign, not to exceed 12 square feet in area, and not illuminated, pertaining to the lease or sale of a building.
- C. Temporary signs, not to exceed 300 feet in area, for one year advertising new subdivision development of five lots or more. These signs may not exceed 15 feet in height, nor be located closer than two feet to the ground. These signs may advertise only the development in which they are located and must be erected only at dedicated street entrances.
- D. One sign, not to exceed 32 square feet and not illuminated, identifying an engineer, architect, or contractor engaged in the construction of a building. This sign may not exceed 15 feet in height, nor be located closer than two feet to the ground. This sign must be removed within 30 days following occupancy of the building.

- E. One identification sign, not to exceed 50 square feet in area for the following uses: church, school, hospital, library, farm, park, subdivision, or similar uses. This sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but not flashing.
- F. Directional signs, not to exceed two square feet in area, for the following uses: church, school, hospital, library, sanitarium, clinic, or similar use. Each site shall be limited to one sign per major thoroughfare approach. No such sign shall be permitted on minor residential streets.
- G. One nameplate sign for a dwelling group of four or more units not to exceed five square feet in area. Such signs may indicate the names and addresses of the buildings, or it may be a directory for occupants.

V. SIGNS IN B-1-M DISTRICT – Signs are permitted subject to the following regulations:

- A. Such signs may advertise only the name and field of specialty of the practitioner and/or address of the building from which the practice is conducted.
- B. The building containing the offices may be identified by no more than two signs. Only one sign shall be displayed on any given side of the building. Said signs shall not be freestanding and neither sign shall exceed eight square feet in area. Self-illuminated signs are expressly prohibited.

VI. SIGNS IN B-1-O DISTRICT – Signs are permitted subject to the following regulations:

A. Signs in a Neighborhood Business Center:

The building containing the offices may be identified by no more than two signs. Only one sign shall be displayed on any given side of the building. Said signs shall be displayed flat against the building, shall not be freestanding, and neither sign shall exceed eight square feet in area. Self-illuminated signs are expressly prohibited.

B. Signs in an Individual Business Site:

The building containing the office may be identified by no more than one sign, advertising only the name and/or type of company and address of the building on site. Said sign shall not exceed four square feet in area and not exceed four feet in height. Self-illuminated signs are expressly prohibited.

VII. SIGNS IN B-N, B-1-L, AND B-T DISTRICTS – Signs are permitted subject to the following regulations:

A. No sign shall be erected within or extend into or over a utility easement.

B. Signs in Neighborhood Business Centers:

- 1. Neighborhood Business Centers in single ownership or under unified control or individual uses may erect a freestanding sign subject to the following:

- a. Content – Such sign, which may be in sections, shall advertise only the name and location of the center and the name and type of business of each occupant of the center.
  - b. Area – The gross area of the sign in square feet shall not exceed the linear foot frontage of the business center site.
  - c. Setback – Such sign shall be set back a minimum of 15 feet from the front property line.
  - d. Height – No sign shall project higher than 30 feet above curb level.
2. In addition to the freestanding sign above, each business or use within the Neighborhood Business Center may erect an individual sign subject to the following:
- a. Content – Such sign, which may be in sections, shall advertise only the name and type of business within.
  - b. Area – The gross area of the sign shall not exceed 32 square feet.
  - c. Installation – Such sign may be painted on, attached flat against the building, or may project out from the building but such projection may not exceed 48 inches and must be over private property. In the case of projecting signs, an eight-foot minimum clearance from the sidewalk or public way to the lowest extremity of the sign is required.

C. Signs in Individual Business Sites:

1. An individual business or use which is not part of a Neighborhood Business Center may erect a single building sign subject to the following:
- a. Content – Such sign, which may be in sections, shall advertise only the name and type of business within.
  - b. Area – The gross area of the sign shall not exceed 32 square feet.
  - c. Installation – Such sign may be painted on, attached flat against the building, or may project out from the building but such projection may not exceed 48 inches. In the case of projecting signs, an eight-foot minimum clearance from the sidewalk or public way to the lowest extremity of the sign is required.
2. An individual business or use which is not a part of a Neighborhood Business Center may erect a single freestanding sign subject to the following:
- a. Content – Such sign, which may be in sections, shall advertise only the name and type of business within.
  - b. Area – The gross area of the sign shall not exceed the linear foot frontage of the business site.

- c. Setback – Such sign shall be set back a minimum of one foot from the front property line of the business site provided that it does not interfere with power lines or other utility systems.

VIII. SIGNS IN B-2-I AND B-G DISTRICTS – Signs are permitted subject to the following regulations:

- A. All signs permitted in the Residential Districts are allowed.
- B. Freestanding business signs are permitted on individual business sites (not part of shopping centers) within one foot of the property line provided that such signs do not interfere with power lines or other utility systems.
- C. The total area of all business signs on a building and/or lot shall not exceed 150 square feet or the sum of three square feet for each linear foot of lot frontage, whichever is the greater.
- D. Integrated Business/Shopping Center – Each integrated business/shopping center may have one incidental or freestanding identification sign for each street frontage. The sign may announce the name of the integrated business, names and types of business occupants, and may have a changeable attraction letter board. Integrated business/shopping centers fronting on more than one street may have one sign constructed on the corner of two intersecting streets outside the sight triangle or two signs each fronting on a street in such a manner that each sign will advertise on different streets. Any integrated Business Shopping Center sign(s) shall be setback a minimum of 20 feet from the property line fronting said sign.
- E. Existing billboards and off-premise advertising signs are permitted in the B-G, I-1, and I-2 Districts subject to the provisions of this Ordinance.

IX. SIGNS IN CBD DISTRICT – Signs are permitted with the following regulations:

- A. All signs permitted in the residential and in all business districts are allowed.
- B. The total surface area of a business sign or signs on a building and/or lot shall not exceed six square feet for each linear front foot.

X. SIGNS IN I-1 AND I-2 DISTRICTS – Signs are permitted subject to the following regulations:

- A. All signs permitted in the residential and in all business districts are allowed.
- B. The total surface area of a business sign or signs on a building or lot shall not exceed ten square feet for each linear front foot.

## SECTION 7 – HOME OCCUPATIONS

### I. DEFINITION

A home occupation, as applied to all districts, shall be considered as a use for commercial purposes conducted within a dwelling unit by the resident(s) thereof, which is clearly secondary to the use of the dwelling for living purposes, and which does not change the residential character of the dwelling unit or its surroundings.

### II. AUTHORITY

A home occupation shall be permitted in any residential dwelling unit provided that the home occupation complies with the lot size, bulk regulations, and parking requirements of the zoning district in which the home occupation is located. The Home Occupation Ordinance (O-3128) was adopted by the City Council on August 6, 1986.

### III. PURPOSE

The regulations of this section are designed to protect and maintain the residential character of established neighborhoods while recognizing that particular professional and limited business activities are traditionally and inoffensively carried on in the home.

### IV. PROVISIONS OF THE HOME OCCUPATION

- A. A home occupation and its necessary keeping of equipment, materials, and supplies, shall be conducted solely within the confines of the dwelling unit. Home occupations, with the exception of residential child-care facilities, shall occupy a maximum of ten percent of the gross floor area of the dwelling unit (excluding attached or detached garages and accessory buildings.)
- B. There shall be no advertising, display, or other exterior indications of a home occupation on the premises, other than one sign attached to the dwelling unit itself. This sign shall be flat, non-illuminated, and shall not exceed one square foot in area.
- C. There shall be no sale of goods on premises in connection with such home occupation.
- D. No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and no additional parking area shall be created as a result of such home occupation. Additionally, no vehicles larger than a three-quarter-ton truck shall be used in conjunction with the home occupation.
- E. The home occupation shall only be conducted by the resident of the dwelling where the home occupation is to take place. The maximum number of persons to be engaged or employed in a home occupation shall not exceed two, one of which may be a non-resident.
- F. The equipment or process related to the home occupation shall not create or contribute to the creation of: offensive noise, vibrations, smoke, dust, fumes, odors, heat glare, x-ray, electrical disturbance, or interference to radio and/or television.

- G. No mechanical equipment is to be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes.
- H. No toxic, explosive, flammable, combustible, corrosive, etiologic, radio-active, or other restricted materials are to be used or stored on the site.
- I. No more than one home occupation or business shall be conducted within any dwelling unit, and services shall be limited to one client at a time. Additionally, in no case shall business be conducted and/or a home occupation be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m.
- J. There shall be no exterior storage of equipment, materials, or supplies in connection with such home occupation.
- K. As part of the current Certificate of Occupancy application process, the applicant shall complete a "Home Occupation Affidavit" form. Attached to this affidavit form shall be a site plan showing the following information:
  - Street address
  - Dimensions of the house
  - Location and dimensions of the area where the home occupation will be conducted
  - Location of the one square foot sign

NOTE: A home occupation permit shall not be issued unless all of the above required information is provided on the site plan.

## V. PERMITTED HOME OCCUPATIONS

Permitted Home Occupations include but are not necessarily limited to:

- A. Studio or laboratory of an artist, craftsman, musician, photographer, seamstress, tailor, writer, or similar person
- B. Office facilities for accountants, architects, attorneys, brokers, doctors, engineers, insurance agents, manufacturer's representatives, realtors, salesmen, sales representatives, and members of similar professions
- C. Residential childcare facilities

## SECTION 8 – BED & BREAKFAST FACILITIES

### I. DEFINITION

A Bed and Breakfast facility is any residential building, containing no more than five (5) guest rooms which are provided for compensation by pre-arrangement for a definite period. A Bed and Breakfast facility is not a Boardinghouse, Lodginghouse, or a Halfway House, as defined by the Zoning Ordinance.

### II. AUTHORITY

The Bed and Breakfast Ordinance was adopted by the Lafayette City Council September 30, 1986, Ordinance O-3163, and amended by Ordinance O-3196 adopted December 30, 1986, Ordinance O-3846, adopted July 23, 1991, and Ordinance O-241-97, adopted August 5, 1997.

### III. PURPOSE

The purpose of this section is to allow for the establishment of Bed and Breakfast facilities within the City contingent upon their conformance with specific criteria and conditions, review, and approval by the Board of Zoning Adjustment.

### IV. CRITERIA AND CONDITIONS

- A. Prior to appearing before the Board of Zoning Adjustment, all Bed and Breakfast facilities shall meet the following criteria and conditions, as well as any other that may be required by the Board of Zoning Adjustment to satisfy the intent of this Ordinance.
1. The structure where the Bed and Breakfast is to be established must be of proven Historical Significance. For the purposes of this section, Historical Significance shall be defined as any residential structure designated as a landmark by the Lafayette Preservation Commission or listed on the National Register of Historic Places.
  2. Owner/proprietor must live in the principal structure and the Bed and Breakfast facility use shall be secondary to the principal use of the dwelling for residential purposes.
  3. No additional buildings shall be placed or constructed on the premises for the purposes of creating additional guest rooms; however, existing structures in excess of 800 square feet may be renovated to provide rooms for Bed and Breakfast facilities.
  4. One parking space per guest room plus the required parking space for the principal dwelling unit shall be provided. Parking for guests shall be placed in the rear of the property and shall be screened from adjacent properties with a sight proof fence or dense vegetation providing adequate screening.

5. The structure shall comply with Fire, Health, and Building Codes, as well as all applicable City Ordinances and Regulations.
  6. The only exterior indication of the Bed and Breakfast facility shall be a flat non-illuminated sign of one square foot in area. The sign shall be attached to the building.
  7. Meals other than breakfast shall not be served. Breakfast is to be served to overnight guests only.
  8. Guest rooms shall not contain cooking facilities.
  9. No receptions or private parties for a fee shall take place on the premises of a Bed and Breakfast facility located in R-1-A, R-1-B, or R-1-C zoning districts. In any other zoning district, such use may be allowed should the Board of Zoning Adjustment determine that it is appropriate for the location.
  10. The owner shall maintain an accurate guest register showing the name, address, dates, and lengths of stay of guests. The guest register shall be subject to inspection by the Zoning Administrator.
  11. The maximum length of stay for any guest shall be 14 days per calendar year.
- B. When appearing before the Board of Zoning Adjustment:
1. The applicant shall submit an official application to the Board of Zoning Adjustment, including all supportive documentation and information. No application shall be considered unless all requirements of Ordinance O-191, Article VIII have been satisfied in a timely manner, and such application shall be subject to the same procedures and rules which are normally applicable to appeals and requests for variances thereunder.
  2. The applicant shall show proof of Historical Significance.
  3. The applicant shall submit a site plan showing the structure, the location of the guest rooms, parking spaces provided, and property dimensions.
  4. The Board of Zoning Adjustment may require additional information in order to make a decision, and such requested information shall be provided prior to Board of Zoning Adjustment approval.
  5. The applicant must comply with all the conditions or requirements of the Board of Zoning Adjustment in order to continue operation. Non-compliance may result in revocation of all permits and licenses.

C. In approving any Bed and Breakfast facility, the Board of Zoning Adjustment shall prescribe any conditions that it deems to be necessary or desirable. The Board of Zoning Adjustment shall also determine that:

1. There are special circumstances or conditions, fully described in the findings, applying to the land or building in which the Bed and Breakfast facility is to be established.
2. For the reasons fully set forth in the findings, the approval of the Bed and Breakfast facility is necessary for the reasonable use of the land or building.
3. The approval of the Bed and Breakfast facility will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

## SECTION 9 – LANDSCAPE REQUIREMENTS

### I. Authority

The Landscape Ordinance, O-128-2001, adopted August 28, 2001, as amended, is intended to supersede and replace Article IV, Section 9 – Landscape Requirements, of Ordinance O-191, Appendix C, of the Code of Ordinances of the City-Parish of Lafayette, Louisiana, and it shall be codified as such.

### II. Purpose and Intent

The intent and purpose of this Ordinance is to promote the health, safety, and welfare of the residents of the City-Parish of Lafayette; to facilitate the creation of an attractive and harmonious community; to conserve properties, their values and their character by preventing the harmful effects of unregulated development; to conserve natural resources; and to encourage the appropriate use of the land. These Landscape Requirements establish standards, generally in compliance with Louisiana Horticulture Law Rules and Regulations, for the protection of natural plant communities; the provision of post-construction landscaping within the City-Parish of Lafayette; and the education of the public as to the merits of preservation and conservation of natural vegetative habitat for the following nonexclusive purposes:

- A. Preservation of Existing Vegetation – To preserve, conserve and protect, insofar as possible, healthy existing natural vegetation, and encourage the incorporation of plant materials, especially native plants, plant communities and ecosystems into landscape design, where possible.
- B. Human Values – To provide important benefits to human beings through the use of landscaping to reduce noise and glare, break up monotony, and soften the harsher aspects of urban development; to educate citizens as to the advantages of preservation of trees and existing natural landscaping, with the view toward promotion of voluntary preservation of such features and reversal of the development trend whereby property is clear cut and thereafter landscaped with non-native plant materials in artificial settings.
- C. Community Design – To promote the improvement of the aesthetic appearance of commercial, industrial, and residential areas through landscape design; allowing flexibility in order to promote innovative, diverse and cost-conscious approaches to the design, installation and maintenance of landscaping.
- D. Environmental Quality – To improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment; encouraging and promoting through forestation the replenishment of the local stock of plant material suitable for growing in the City-Parish of Lafayette; encouraging and promoting the preservation of existing trees; protecting, replacing, and increasing the number of trees in the community; and facilitating compliance with State and Federal legislation relative to the environment, including in particular the Clean Air Act.

- E. Air and Water Quality Management – To promote the conservation of potable and non-potable water by encouraging the preservation of existing plant communities; encouraging the planting of natural or uncultivated areas; encouraging the use of site specific plant materials; providing for natural water recharge; preventing excess runoff; and facilitating compliance with State and Federal legislation relative to water and air quality, including in particular the Clean Air Act and the Clean Water Act.

III. Applicability

A. Land Affected by this Ordinance

1. Land located within the Corporate Limits of the City of Lafayette

- a. The Landscape Requirements shall apply to new construction on land located within the City of Lafayette, and shall become applicable at the time of application for a Building Permit or Certificate of Occupancy, whichever is appropriate. The requirements shall remain applicable at all times once land has become subject to these provisions.
- b. A lot which did not meet the Landscape Requirements at the time of the original adoption of this Ordinance (April 5, 1993) shall not be required to comply unless and until there is a cumulative building expansion of the percentage indicated in the table below:

BUILDING SIZE	PERCENT EXPANSION
0 to 2,000 square feet	50
2,001 to 5,000 square feet	35
5,001 to 10,000 square feet	30
10,001 square feet or larger	25

- c. An appeal of the requirements of this Section shall be made to the Board of Zoning Adjustment.

2. Unincorporated areas of Lafayette Parish

- a. The Landscape Requirements shall apply to new multifamily, commercial, and industrial construction in the unincorporated areas of Lafayette Parish.
- b. A lot which did not meet the Landscape Requirements at the time of the adoption of this amendment shall not be required to comply unless and until there is a cumulative building expansion after the effective date of this amendment of the percentage indicated in the table below:

BUILDING SIZE	PERCENT EXPANSION
0 to 2,000 square feet	50
2,001 to 5,000 square feet	35
5,001 to 10,000 square feet	30
10,001 square feet or larger	25

- c. An appeal of the requirements of this Section shall be made to the Hearing Examiner of the Department of Planning, Zoning, and Codes.

## B. Exemptions

The requirements of this Section shall not apply to the following:

1. Single-family detached residences.
2. Developments without a vehicular use area.

## IV. Definitions

**ACCESSWAY** – A paved area intended to provide ingress and egress of vehicular traffic from a public or private right-of-way to an off-street parking or loading area. Parking lot aisles are not considered accessways.

**AGRICULTURAL LAND** – For the purposes of this Ordinance, land designated by the Lafayette Parish Tax Assessor as agricultural in use.

**ARBORICULTURAL SPECIFICATIONS** – For the purpose of compliance with this Ordinance, those standards and specifications which govern the planting, trimming, bracing, pruning, spraying, fertilizing, removing, maintaining, and preservation of trees and shrubs in accordance with accepted practices of the Louisiana Department of Agriculture and Forestry and the International Society of Arborists (ISA).

**CALIPER** – A trunk diameter measurement of nursery stock. For diameters of four inches or less, measurement is taken six inches above ground level. For larger than four inches, measurement is taken 12 inches above the ground.

**CANOPY/DRIP LINE AREA** – The main mass of branches of a tree, determined from the outer perimeter of the branches of a tree as projected vertically to the ground.

**CRITICAL ROOT ZONE** – A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. Critical root zone is one foot of radial distance for every inch DBH, for Live Oaks 1.5 feet for every inch DBH, with a minimum of eight feet.

**DBH (DIAMETER AT BREAST HEIGHT)** – The diameter of a tree's trunk measured at a height of 4.5 feet from the base of the tree. For trees having multiple trunks, separating below 4.5 feet from the base of the tree, the DBH shall be the sum of the trunks' DBH. (The diameter shall be determined by dividing the circumference by  $3.14 [\pi]$ ).

**DESTROY** – An intentional or negligent act which will cause a tree to decline and die, including, but not limited to, excessive cutting or pruning, damage inflicted upon the root system of a tree, the application of toxic substances, the operation of heavy machinery, including trenching devices, the change of natural grade within the critical root zone, and damages from injury or fire which result in or permit pest infestation.

**FOREST COVER** – A biological community dominated by trees and other woody plants, excluding orchards or nursery stock, covering a land area of 10,000 square feet or greater. Forest includes:

Areas that have at least 100 live trees per acre with at least 50 percent of those trees having a two-inch or greater DBH.

Forest areas that have been thinned but not cleared.

**FOREST STAND** – A contiguous group of trees sufficiently uniform in species composition, arrangement of age classes, and condition to be a distinguishable, homogeneous unit.

**FORESTATION** – The establishment of forest or tree cover on an area from which it is presently absent, or the planting of open areas which are not presently in forest cover.

**GROUND COVER** – Low growing plants planted in such a manner as to form a continuous cover over the ground, such as turf, lirioppe, ground cover jasmine, or like plants that can be maintained at or below two feet in height. Plant materials used as ground cover may consist of grasses, ornamental grasses, vines, and other herbaceous material.

**LANDSCAPE AREA** – An unenclosed area of land in which landscape materials are placed, planted, and maintained. Landscape areas shall include:

Island – completely surrounded by pavement

Peninsula – partially surrounded by pavement and attached to a landscape strip

Strip – provided around the perimeter of a property

**LANDSCAPE COORDINATOR, LCG** – For the purpose of compliance with this Ordinance, the person designated by the Lafayette Consolidated Government Administration as responsible for coordination and review of plans and actions affecting landscaping on public and private property.

**LANDSCAPE DESIGN** – The preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks, and other features to comply with the provisions of this Ordinance.

**LANDSCAPE MATERIALS** – Living trees, shrubs, vines, grasses, ground covers, and other plants. Rocks, pebbles, sand, wood mulch, and other non-living durable materials commonly used in landscaping, landscape water features, and artificial plants shall not be considered in determining compliance with minimum Landscape Requirements unless they are part of a landscape environment that includes living plants.

**LANDSCAPE PLAN** – A scaled plan that clearly delineates vehicular use areas and displays and describes all landscaping, including methods of irrigation and maintenance of landscaped areas.

LCG – Lafayette Consolidated Government.

LOADING AREA – An area used for trash collection, refuse containers, outdoor freight loading and unloading, docks, or outdoor shipping and receiving.

MAINTENANCE – In reference to maintenance of trees and shrubs, an activity, including trimming, bracing, pruning, watering, or fertilizing of trees or shrubs for the purpose of stabilizing, enhancing, protecting, or controlling their growth.

MITIGATION – The mandatory replacement of trees, as required by this Ordinance.

OPEN SPACE – The area of a lot, site, tract, or plot exclusive of structures, driveways, parking, or open storage areas, which is open to the sky.

PERSON – A public or private individual, corporation, company, firm, association, trust, estate, commission, board, institution, utility, cooperative, or other legal entity.

PRESERVATION – In reference to preservation of trees and shrubs, an activity, including trimming, bracing, pruning, fertilizing, protecting or controlling of trees or shrubs for the purpose of retaining such tree or shrub in its existing location.

PRIVATE RIGHT-OF-WAY – A parcel or strip of land dedicated to vehicular use as a private thoroughfare and maintained by the private entity to which it is dedicated.

PUBLIC LAND – Real property owned and/or maintained by the LCG.

PUBLIC RIGHT-OF-WAY – A parcel or strip of land dedicated to public use and maintained by the LCG.

PUBLIC TREE – A tree located on property owned and/or maintained by the LCG.

REMOVAL – An intentional or negligent act which will cause a tree or shrub to decline and die, including, but not limited to, excessive cutting, pruning, operation of machinery, application of toxic substances, girdling, damage to the root system, or change of natural grade above the root system.

SHRUB – A low, usually multi-stemmed, self-supporting, woody plant species.

TREE – An evergreen or deciduous upright perennial, planted in the earth, having a single main stem, or several main stems with few or no branches on its lowest part, generally attaining a height greater than 16 feet at maturity.

CLASS A – Normally growing to an overall height of approximately 50 feet.

CLASS B – Normally growing to an overall height of approximately 25 feet.

TREE PROTECTION DEVICES, PERMANENT – Measures, such as retaining walls or aeration devices, that are designed to protect the tree and its root systems throughout its lifetime.

TREE PROTECTION DEVICES, TEMPORARY – Structural measures, such as fencing, barricades or berms, installed prior to construction for the purpose of preventing damage to trees during construction.

UTILITY – A publicly, privately, or cooperatively owned line, facility or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, sewage, storm water drainage or other similar services or commodities.

VEHICULAR USE AREA – That area of a development subject to vehicular traffic, including accessways, parking lot aisles, loading and service areas, areas used for the parking and storage of vehicles, boats, or portable equipment, and the land intended for vehicular use.

## V. Landscape Standards

### A. Landscape Area Requirements

1. Landscape areas may be provided in the form of islands within the interior parking area, landscape strips, peninsulas of landscape strips, or a combination thereof.
2. Required landscape areas shall be protected by properly anchored curbing at least 6" high, using materials such as concrete, natural stone, railroad ties, or landscape timbers. Perimeter strip and landscape island measurements shall not include curbing.
3. Every part of a vehicular use area, with the exception of loading areas, shall be within 75 feet of the trunk of a tree, with no intervening structures, except as otherwise provided herein.
4. The removal of a required tree or installation of an impermeable surface within a required landscape area shall constitute an alteration to the site and shall require approval of the Department of Planning, Zoning, and Codes.

### B. Perimeter Landscape Strip Requirements

1. Street Frontages – A minimum ten-foot landscape strip is required along each property line abutting a public or private street right-of-way.
2. Multiple Street Frontages – On lots with multiple frontages, the landscape strip shall be provided on all street frontages; however, landscaping within the sight triangle shall be in accordance with the sight triangle regulations.

3. Interior Property Lines – A minimum five-foot landscape strip is required along property lines without street frontage.

Exceptions:

- a. Where the adjoining property is zoned commercially and actually in commercial use, and existing parking facilities and/or vehicular use areas are used jointly and no landscape strip exists on either property, no landscape strip is required.
  - b. Where setback regulations permit, a building may be located within the interior landscape strip.
  - c. In the CBD (Central Business District) Zoning District, buildings may be located within landscape strips.
4. Accessways are allowed within landscape strips. Parking spaces are not allowed within landscape strips.

#### C. Interior Landscape Islands

Where interior landscape islands are provided, the following minimum standards shall apply:

1. Every part of a vehicular use area shall be within 75 feet of the trunk of a tree, with no intervening structures, where islands are a minimum of 162 square feet with a minimum width of nine feet; or
2. Every part of a vehicular use area shall be within 100 feet of the trunk of a tree, with no intervening structures, where islands are a minimum of 324 square feet with a minimum width of nine feet; or
3. For trees of a minimum 18-inch DBH or clusters of trees with a combined minimum DBH of 24 inches, every part of a vehicular use area shall be within 150 feet of the trunk of a tree, with no intervening structures. These islands shall be a minimum of 972 square feet with a minimum width of 27 feet.
4. A combination of the above standards may be used to provide minimum requirements.

#### D. Tree Planting and Maintenance Standards

1. Minimum Planting Requirements – Trees meeting the minimum tree standards shall be included and/or replaced at a ratio of one tree per 5,000 square feet (or fraction thereof) of vehicular use area. Additional trees may be necessary to meet spacing requirements.

## 2. Spacing

- a. A minimum of one Class A or two Class B trees shall be provided per 50 linear feet of landscape strip, unless proximity to existing utility lines prohibits such placement.
- b. Where street frontage strips are wider than 15 feet and/or interior strips are wider than 10 feet, the distances from trees to vehicular use areas may be a maximum of 100 feet.
- c. A minimum of 100 square feet for each Class A tree or 50 square feet for each Class B tree of non-paved area is required for each tree at the planting location.
- d. Trees need not be planted in straight lines, and Class B trees may be clustered to enhance visual effects. Minimum and maximum spacing of trees shall be:
  - i. Class A trees:     Minimum     30 feet (Live Oaks 45 feet)  
  Maximum     50 feet
  - ii. Class B trees:    Minimum     Appropriate to species  
  Maximum     50 feet for single trees  
  75 feet for clusters of three or more trees
- e. Minimum distances measured horizontally from trees to overhead utility lines shall be:
  - i. Class A trees:     30 feet
  - ii. Class B trees:    5 feet
- f. The location and species of trees proposed for location in utility easements shall be approved before installation.

## 3. Tree Specifications

- a. All trees shall be of good quality and free of girdling roots, disease, and insects:
  - i. Class A trees shall be a minimum two-inch caliper with a minimum height of ten feet;
  - ii. Class B trees shall be a minimum 1.5-inch caliper with a minimum height of eight feet; for multi-trunk species, each trunk shall have minimum caliper of 1.5 inches.
- b. In landscape islands, only Class A trees shall be credited.
- c. Lists of recommended tree and shrub species may be found in Appendix B of the Zoning Ordinance. Species may be added to or deleted from the list at the discretion of the Director of the Department of Planning, Zoning, and Codes.

- d. Landscape materials shall be installed in accordance with Landscape and Arboricultural Specifications as defined in this Ordinance.
- e. Plant material shall be true to name, variety and size, and shall conform to all applicable provisions of the *American Standards for Nursery Stock*, latest edition.

#### 4. Maintenance

Landscape material which is preserved or installed as part of the minimum Landscape Requirements of this Ordinance shall be maintained in perpetuity, or until such time as a new landscape plan is approved and implemented. In the event of the removal of any such landscape material, the landowner shall replace it with material necessary to return the site to compliance. Where a preserved tree is removed, new trees equaling the number of trees for which credit was given shall be installed.

#### E. Other Required Landscape Elements

1. Unpaved areas not covered with mulch or planted with trees, shrubs, or ground cover shall be planted with turf grass to prevent soil erosion.
2. Encroachment barriers shall be provided wherever a vehicle is likely to protrude onto a landscape area, such as in front of a parking space.
3. Plant materials shall be placed in such a manner that the top of the root ball shall be even with the finished grade level of the soil, safety staked, girdle protected, with adequate mulching of the planting bed.
4. Planting areas shall be worked to break the hardpan formed during construction until the natural soil level is reached and/or amended to insure proper growth.

#### F. Prohibited Uses

Required landscape areas shall not be encroached upon by:

1. Accessory buildings
2. Storage of equipment or goods
3. Garbage or trash collections
4. Vehicular use areas

## VI. Tree Preservation and Tree Credits

### A. Credit for Preserved Trees

1. Existing healthy trees may be included in the minimum planting requirements and credited as per the following schedule:

DBH* of preserved tree(s)	Number of trees credited
9-19 inches	5
20-25 inches	6
26-29 inches	7
30-35 inches	8
36 inches or greater	9

\* The DBH of a preserved tree shall be rounded to the nearest inch.

2. Existing trees included on the Recommended Tree Lists may provide up to 50 percent of the minimum tree requirement. On a lot of one acre or less, Live Oaks and Southern Magnolias with DBHs of 18 inches or greater may provide 100 percent of the tree requirement. Existing trees shall only be used as credit where adequate green area, as required herein, is provided to maintain the tree in a healthy condition.
3. A tree proposed for use as a credit to satisfy minimum planting requirements must be approved as part of the site plan review process. Trees with life spans of 30 years or less shall not be considered for credit.
4. The landscape area surrounding a preserved tree shall be located so that the trunk of the tree is as close to the center of the landscape area as possible, and specific preservation practices shall be followed to insure exchange of water and oxygen to the root system.

### B. Protection of Preserved Trees During Construction

Existing tree(s) shall only be credited where the following management standards are met:

1. During construction, the critical root zone of the tree(s) to be preserved shall be fenced and protected from compaction, trenching, harmful grade changes, or other injury.
2. Pavement or building foundations shall not encroach into the critical root zone, unless specific preservation practices are followed to insure exchange of oxygen and water to the root system.

3. Sidewalks or other forms of hard surfaces that do not require soil compaction and are not intended for vehicular use may be located within the critical root zone only if specific preservation practices are followed to insure exchange of oxygen and water to the root system.

## VII. Alternative Compliance

### A. Intent

The Landscape Requirements are intended to encourage development which is economically viable and environmentally sensitive. The standards are not intended to be so specific as to inhibit creative development. Project conditions associated with individual sites may justify approval of alternative methods of compliance. Conditions may arise where normal compliance is impractical or impossible, or where maximum achievement of the Purpose and Intent of this Ordinance can only be obtained through alternative compliance.

### B. Request for Alternative Compliance Review

Requests for alternative compliance may be granted for any permit application to which the Landscape Requirements apply, when one or more of the following conditions are met:

1. Improved environmental quality would result from alternative compliance.
2. Topography, soil, vegetation, drainage or other site conditions are such that full compliance is impractical.
3. Spatial limitations, unusually shaped pieces of land, unusual servitude requirements, or prevailing practices in the surrounding neighborhood may justify alternative compliance.
4. Public safety considerations make alternative compliance appropriate.
5. Public improvement projects make alternative compliance appropriate.
6. The site is part of a development for which a master plan has been submitted which makes adequate provision for landscaping.

### C. Written and Graphic Documentation

Requests for alternative compliance shall be accompanied by written explanation and landscape plan drawings to allow staff evaluation and decision. Depending on the size of the site, at the discretion of the Department, documentation shall be prepared and stamped by a State of Louisiana Registered Landscape Architect.

#### D. Criteria for Approval

1. The use of existing trees, which as a result of prior growing conditions have reached mature heights with little canopy, in lieu of planting new trees, shall be discouraged unless such trees are grouped in a setting which to some degree replicates a natural forest setting.
2. Aesthetics, innovation, and creativity shall be encouraged.
3. A significant anticipated mature canopy coverage of the vehicular use area of the site shall be encouraged.
4. Landscape design which makes use of existing vegetation and topographical conditions shall be encouraged.
5. Landscape design which provides a buffer between different uses of adjacent properties shall be encouraged.
6. The use of various complementary species of trees and shrubbery shall be encouraged.
7. Alternative compliance shall not be utilized as a means of providing less landscape material than would be otherwise required.

## SECTION 10 – LIGHTING REQUIREMENTS

### I. Authority

The Lighting Ordinance, O-129-2003, adopted June 24, 2003, as amended, establishes Section 10 of Article IV of Ordinance O-191, Appendix C, of the Code of Ordinances of the City-Parish of Lafayette, Louisiana, and it shall be codified as such.

### II. Purpose and Intent

The intent and purpose of this Ordinance is to protect and maintain the residential character of established neighborhoods and residential properties by establishing requirements regarding the artificial lighting provided for adjacent commercial developments.

### III. Applicability

#### A. Land Affected by this Ordinance

##### 1. Land located within the Corporate Limits of the City of Lafayette

- a. The Lighting Requirements shall apply to new construction on land located within the City of Lafayette, and shall become applicable at the time of application for a Building Permit or Final Certificate of Occupancy for new construction, whichever is appropriate. The requirements shall remain applicable at all times once land has become subject to these provisions.
- b. A lot which did not meet the Lighting Requirements at the time of the original adoption of this Ordinance (June 24, 2003) shall not be required to comply unless and until there is a cumulative building expansion of the percentage indicated in the table below:

BUILDING SIZE		PERCENT EXPANSION
0	to 2,000 square feet	50
2,001	to 5,000 square feet	35
5,001	to 10,000 square feet	30
10,001	square feet or larger	25

- c. An appeal of the requirements of this Section shall be made to the Board of Zoning Adjustment.

##### 2. Unincorporated areas of Lafayette Parish

- a. The Lighting Requirements shall apply to new multifamily, commercial, and industrial construction in the unincorporated areas of Lafayette Parish.

- b. A lot which did not meet the Lighting Requirements at the time of the adoption of this Ordinance (June 24, 2003) shall not be required to comply unless and until there is a cumulative building expansion after the effective date of this amendment of the percentage indicated in the table below:

BUILDING SIZE	PERCENT EXPANSION
0 to 2,000 square feet	50
2,001 to 5,000 square feet	35
5,001 to 10,000 square feet	30
10,001 square feet or larger	25

- c. An appeal of the requirements of this Section shall be made to the Hearing Examiner of the Department of Planning, Zoning, and Codes.

#### B. Exemptions

The requirements of this Section shall not apply to the following:

1. Single-family detached residences.
2. Developments without a vehicular use area.

#### C. Lighting Standards

Lighting should illuminate only those areas for which it is designed. Parking lot lights shall be shielded so that residential uses are not impacted. Generally, this can be accomplished with lights no taller than the structures they are serving.

1. Parking lot lighting poles shall not exceed 60 feet in height.
2. Developments shall shield lighting away from adjacent residential uses or zoning districts.
3. Low mounted lights, not to exceed 20 feet in height, shall be used for parking areas within 100 feet of residential uses or vacant property located in residential zoning districts.

## **ARTICLE V– SCHEDULE OF ZONING DISTRICT REGULATIONS**

The Schedule of Zoning District Regulations and the notes appended thereto, included herewith, applying to the uses of land and building, the height of buildings, the coverage of lots, the yards and other open spaces to be provided contiguous to or in connection with buildings, the area of lots, off-street parking spaces, and all other matters contained therein, as indicated for the various districts established by this Ordinance, are hereby adopted and declared to be a part of this Ordinance and may be amended in the same manner as any other part of this Ordinance. The regulations listed for each district as designated, and all notes appended thereto, are hereby adopted and prescribed for such district, subject to the provisions of Article V of this Ordinance, and unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

In any instance where additional restrictions are required in the “Permitted Uses,” refer to “Supplementary Regulations.” For diagrams showing buildable area in specific zoning districts, refer to Appendix A.

**R-1-A**  
**Single-Family Residential**  
**Zoning District**

PERMITTED USES

Accessory apartment (with restrictions), accessory use, art gallery or museum, bed and breakfast facilities (with restrictions), church and associated uses, condominium, dwelling (single-family), electric substation, farming (on five acres or more), fire station, gas regulator station, golf course (except driving range, pitch and putt or miniature golf course), home occupation, horticulture nursery (with restrictions), kindergarten, library or reading room, parks and playgrounds, pipeline or electric transmission line, railroad right-of-way, recreational facility (privately owned and operated, including individual and community swimming pools, tennis clubs, non-commercial community centers, and similar uses), schools (elementary, secondary, public, and private, including associated uses and structures), sewer pumping station, telephone exchange, townhouse, water pumping station, water storage.

MINIMUM LOT AREA

8,500 square feet per dwelling unit.

In the case where a development includes private streets or common areas, these areas can be applied proportionally in the calculation of the minimum lot size.

MINIMUM YARD REQUIREMENTS

- Front - 20 feet
- Side - 5 feet per side
- Rear - 10 feet
- Open - Required front, side, and rear yards must be open space excepting required ingress and egress. Open space shall be planted in grass or other plantings. For condominiums and townhouses, open yard space must equal 20 percent of lot area with remaining 80 percent reserved for building(s) and parking.

Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the zoning setback for the applicable zoning district.

**R-1-B**  
**Single-Family Residential**  
**Zoning District**

PERMITTED USES

All uses in R-1-A.

MINIMUM LOT AREA

7,000 square feet per dwelling unit.

In the case where a development includes private streets or common areas, these areas can be applied proportionally in the calculation of the minimum lot size.

MINIMUM YARD REQUIREMENTS

- Front - 20 feet
- Side - 5 feet per side
- Rear - 10 feet
- Open - Required front, side, and rear yards must be open space excepting required ingress and egress. Open space shall be planted in grass or other plantings. For condominiums and townhouses, open yard space must equal 20 percent of lot area with remaining 80 percent reserved for building(s) and parking.

Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the zoning setback for the applicable zoning district.

**R-1-C**  
**Single and Two-Family Residential**  
**Zoning District**

PERMITTED USES

All uses in R-1-B plus dwelling (two-family).

MINIMUM LOT AREA

4,500 square feet per dwelling for single-family residences; 5,000 square feet per dwelling for two-family residences.

In the case where a development includes private streets or common areas, these areas can be applied proportionally in the calculation of the minimum lot size.

MINIMUM YARD REQUIREMENTS

- Front - 20 feet
- Side - 5 feet per side
- Rear - 10 feet
- Open - For single and two-family residences, required front, side, and rear yards must be open space excepting required ingress and egress. Open space shall be planted in grass or other plantings. For condominiums and townhouses, open yard space must equal 20 percent of lot area with remaining 80 percent of lot area reserved for building(s) and parking.

Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the zoning setback for the applicable zoning district.

**R-2  
Multifamily Residential  
Zoning District**

PERMITTED USES

All uses in R-1-C plus boardinghouse, club or lodge (private), cemetery/mausoleum (with restrictions), college or university dormitory, dwelling (multifamily), fraternity or sorority house, storage garage, and zero lot line homes.

MINIMUM LOT AREA

4,500 square feet per dwelling for single-family residences; 5,000 square feet per two-family dwelling. For multifamily dwellings, 4,000 square feet for the first two units plus 1,000 square feet for each additional unit. For condominiums and townhouses, 2,500 square feet per dwelling unit. For zero lot line homes, 3,500 square feet per dwelling unit.

In the case where a development includes private streets or common areas, these areas can be applied proportionally in the calculation of the minimum lot size.

MINIMUM YARD REQUIREMENTS

- Front - 20 feet
- Side - 5 feet per side
- Rear - 10 feet
- Open - For single and two-family residences, required front, side, and rear yards must be open space excepting required ingress or egress. Open space shall be planted in grass or other plantings. For multifamily residences, condominiums, townhouses, and zero lot line homes, open yard space must equal 20 percent of lot area with remaining 80 percent reserved for building(s) and parking. Open space shall be at least partially planted in grass or other plantings.

Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the zoning setback for the applicable zoning district.

**\* R-3  
Mobile Home Park  
Special Zoning District**

PERMITTED USES

Accessory use, home occupation, mobile home and mobile home park. New districts must be approved by the Zoning Commission. A mobile home is not considered a single-family residence. As such, it is not permitted for use or occupancy in any district other than R-3 (Mobile Home Park), B-G, CBD, and I-1; except as authorized under Ordinances O-182 and O-1666.

MINIMUM LOT AREA

3,500 square feet per dwelling unit.

MINIMUM YARD REQUIREMENTS

- Front - 20 feet
- Side - 5 feet per side
- Rear - 10 feet
- Open - Minimum yards shall be used for open space, and no home, projection therefrom, or accessory use shall be allowed within this area. Open space shall be at least partially planted in grass or other plantings.

Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the zoning setback for the applicable zoning district.

**\* SPECIAL DISTRICTS REQUIRE SITE PLAN APPROVAL FROM THE ZONING COMMISSION.**

**\* R-4**  
**Condominium, Townhouse, and Zero Lot Line Homes**  
**Special Zoning District**

PERMITTED USES

Accessory use, cemetery/mausoleum (with restrictions), home occupation, single-family attached and detached units (condominiums, townhouses, and zero lot line homes). Condominiums and townhouses are allowed in all districts, with the exception of other Special Districts.

MINIMUM LOT AREA

For condominiums and townhouses, 2,500 square feet per dwelling unit. For zero lot line homes, 3,500 square feet per dwelling unit.

In the case where a development includes private streets or common areas, these areas can be applied proportionally in the calculation of the minimum lot size.

MINIMUM YARD REQUIREMENTS

- Front - 20 feet
- Side - 5 feet per side
- Rear - 10 feet
- Open - For single and two-family residences, required front, side, and rear yards must be open space excepting required ingress and egress. Open space shall be planted in grass or other plantings. Open yard space must equal 25 percent of the lot area for condominiums and townhouses, and 30 percent for zero lot line homes, with remaining 75 or 70 percent, respectively, for building(s) and parking.

Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the zoning setback for the applicable zoning district.

**\* THIS SPECIAL DISTRICT DOES NOT REQUIRE SITE PLAN APPROVAL FROM THE ZONING COMMISSION.**

**\* B-1-M  
Business-Medical  
Special Zoning District**

PERMITTED USES

Professional office – dentist, physician, psychiatrist, physiotherapist, surgeon, or practitioner in related specialty; clinic – dental or optical; laboratory – dental, medical, or optical; pharmacy or pharmacy supply facility selling medical items provided that total square footage does not exceed three percent of the building square footage. The pharmacy or pharmacy supply facility must be contained within the principal medical building.

MINIMUM LOT AREA

None

MINIMUM YARD REQUIREMENTS

Front - 20 feet  
Side - NONE  
Rear - NONE  
Open - Open yard space must equal 20 percent of the total area with the remaining 80 percent reserved for building(s) and parking. Open space shall be at least partially planted in grass or plantings.

Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the zoning setback for the applicable zoning district.

\* SPECIAL DISTRICTS REQUIRE SITE PLAN APPROVAL FROM THE ZONING COMMISSION.

**\* B-1-O**  
**Business-Office**  
**Special Zoning District**

PERMITTED USES

Offices for the purpose of rendering professional and semi-professional client-oriented services. All retail or wholesale activities which require the receiving, stocking, storing, displaying, manufacturing, selling, or renting of merchandise or equipment is expressly prohibited. All services shall be rendered within offices, and use of any portion of the outside area for the performance of services shall be expressly prohibited.

MINIMUM LOT AREA

None

MINIMUM YARD REQUIREMENTS

- Front - 20 feet
- Rear - 20 feet
- Side - 20 feet – Side yard requirements shall be met with the exception that where rear or side yards of the property in question abut a commercially zoned district, the respective yard requirements of said commercially zoned district may be used.
- Open - Open yard space must equal 20 percent of the lot area with the remaining 80 percent reserved for building(s), driveways, and parking. Ten feet of the required front side and/or rear yards may be used for parking provided that a ten-foot planted area is maintained between the parking lot and the property line. For the purpose of this section, a planted green area shall be defined as one which is sodded and planted with grass, shrubs, or trees which shall be maintained in a manner not obstructing sight distance for vehicles entering or leaving the parking area.

Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the zoning setback for the applicable zoning district.

- \* SPECIAL DISTRICTS REQUIRE SITE PLAN APPROVAL FROM THE ZONING COMMISSION.

**B-N  
Neighborhood Business  
Zoning District**

**PERMITTED USES**

All uses in R-1-C. Additional uses are barber shop, beauty shop, bookstore, business or professional office, camera and photographic supply store, candy store, coffee and/or pastry shop, commercial child care facility, convenience store (excluding gasoline and diesel sales), cosmetic store, drug store (with drive-thru for pharmaceutical products only), floral shop, gift shop, hamburger and/or sandwich shop, hobby supply store, ice cream parlor, laundry (self-service), music store, newsstand, picture framing store, pick-up station (laundry and/or dry cleaning), shoe repair, tobacco store. Open outside storage of goods and/or supplies is prohibited in this district. Drive-in and drive-through establishments are prohibited, except as noted above.

**MINIMUM LOT AREA**

Same as R-1-C for dwellings. None for other uses.

**MINIMUM YARD REQUIREMENTS**

- Front - 20 feet
- Side - For detached dwellings, 5 feet per side  
NONE for other uses
- Rear - For dwellings, 10 feet  
NONE for other uses
- Open - Open yard space must equal 20 percent of lot area with remaining 80 percent reserved for building(s) and parking. Open space shall be at least partially planted in grass or other plantings.

Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the zoning setback for the applicable zoning district.

**B-1-L**  
**Limited Business**  
**Zoning District**

PERMITTED USES

All uses in R-2 and B-N (excluding hamburger shop and/or sandwich shop). Additional uses are antique shop, apparel and accessory shop, art gallery, dance studio, interior decorator, jewelry manufacturing, jewelry store, personal service shop, seamstress or dressmaker or tailor, and stationery store. These uses are permitted provided that no goods or merchandise or materials shall be stored or displayed outside a building, and no sound shall be amplified outside the confines of a building. Drive-in and drive-through establishments are prohibited, except as specifically permitted.

MINIMUM LOT AREA

Same as R-2 for dwellings. None for other uses.

MINIMUM YARD REQUIREMENTS

- Front - 20 feet, in which parking shall not permitted.
- Side - 5 feet per side. Wherever a non-residential use abuts another non-residential use, no side yard shall be required.
- Rear - For dwellings, 10 feet.  
NONE for other uses.
- Open - For single and two-family residences, required front, side, and rear yards must be open space excepting required ingress and egress. Open space shall be planted in grass or other plantings. For multifamily residences, condominiums, townhouses, zero lot line homes and other uses, open yard space must equal 20 percent of the lot area with the remaining 80 percent reserved for building(s), driveways, and parking. Open space shall be at least partially planted in grass or other plantings.

Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the zoning setback for the applicable zoning district.

**B-T  
Transitional Business  
Zoning District**

PERMITTED USES

All uses in B-1-L. Additional uses are animal hospital (A), bakery, bank, business and/or professional college, catering shop, clinic, dairy product sales, delicatessen, diaper service, drive-thru establishment, dry goods store, fix-it shop, fruit and/or vegetable stand, funeral home, furniture repair, gasoline or diesel fuel sales (with restrictions), grocery store, gymnasium, haberdashery, hardware store (retail), hospital and/or sanitarium, hotel (small), leather store, liquor sales (package), loan office, nursing or convalescent home, office supply, optical and/or surgical supply store, parking garage or lot, printing and graphics, radio and television broadcasting studio, reducing salon and/or health club, restaurant, self-service storage facility (with restrictions), shoe store, sporting goods store, studio for professional work or teaching, tailor shop, theater, toy store, uniform sales, variety sales, YMCA/YWCA. Open outside storage of goods and/or supplies is prohibited in this district. Drive-in establishments are prohibited.

MINIMUM LOT AREA

Same as R-2 for dwellings. None for other uses.

MINIMUM YARD REQUIREMENTS

- Front - 20 feet
- Side - For detached dwellings, 5 feet per side  
NONE for other uses.
- Rear - For dwellings, 10 feet  
NONE for other uses.
- Open - For single and two-family residences, required front, side, and rear yards must be open space excepting required ingress and egress. Open space shall be planted in grass or other plantings. For multifamily residences, condominiums, townhouses, zero lot line homes, and other uses, open yard space must equal 20 percent of lot area with remaining 80 percent reserved for building(s) and parking. Open space shall be at least partially planted in grass or other plantings.

Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the zoning setback for the applicable zoning district.

**B-2-I**  
**Intermediate Business**  
**Zoning District**

PERMITTED USES

All uses in B-T. Additional uses are appliance store, automobile dealership (franchised, with related services), department store, dry cleaners, garden supply store, paint store, post office, and public office (state, local, and federal).

MINIMUM LOT AREA

Same as R-2 for dwellings. None for other uses.

MINIMUM YARD REQUIREMENTS

- Front - 20 feet
- Side - For detached dwellings, 5 feet per side  
NONE for other uses.
- Rear - For dwellings, 10 feet  
NONE for other uses.
- Open - For single and two-family residences, required front, side, and rear yards must be open space excepting required ingress and egress. Open space shall be planted in grass or other plantings. For multifamily residences, condominiums, townhouses, zero lot line homes, and other uses, open space must equal 20 percent of lot area with remaining 80 percent reserved for building(s) and parking. Open space shall be at least partially planted in grass or other plantings.

Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the zoning setback for the applicable zoning district.

**B-G  
General Business  
Zoning District**

PERMITTED USES

All uses in B-2-I. Additional uses are air conditioning sales and service, amusement (commercial), animal hospital (B), auditorium, automobile parts sales, automobile and truck sales, rentals or repairs, automobile service station and/or repairs, bar or lounge, carwash (with restrictions), drive-in establishment, electric contractor and wholesaler, electric repair station, exterminator, glass store, hotel and/or motel, laundry, marine store, mobile home park, motorcycle sales and service, pawn shop, pet store, plumbing shop, publishing, public building (city, parish, state and federal), radio and television broadcasting studio and transmitter, radio and television repair, restaurant supply sales, retail manufacturing, seafood market, sign shop, storage garage, taxidermist, trailer sales, travel trailer park, warehousing.

MINIMUM LOT AREA

Same as R-2 for dwellings, except mobile homes for which 3,500 square feet per dwelling unit is required. None for other uses.

MINIMUM YARD REQUIREMENTS

- Front - 20 feet
- Side - For detached dwellings, 5 feet per side  
NONE for other uses.
- Rear - For dwellings, 10 feet  
NONE for other uses, except in the case of carwash. With this use, no side or rear yards are required except that any open side must be at least 25 feet from the property line.
- Open - For single and two-family residences, required front, side, and rear yards must be open space excepting required ingress and egress. Open space shall be planted in grass or other plantings. For multifamily residences, condominiums, townhouses, and zero lot line homes open yard space must equal 20 percent of lot area with remaining 80 percent reserved for building(s) and parking. For other uses, open yard space must equal 10 percent of lot area for lots of one acre or less and 20 percent of lot area for sites larger than one acre. Open space shall be at least partially planted in grass or other plantings.

Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and the zoning setback for the applicable zoning district.

**C-B-D  
Central Business  
Zoning District**

PERMITTED USES

All uses in B-G, except bars and lounges. Additional uses are retail trade and service use, light manufacturing, wholesale uses, detention or penal institution.

MINIMUM LOT AREA

NONE

MINIMUM YARD REQUIREMENTS

Front	-	NONE
Side	-	NONE
Rear	-	NONE
Open	-	NONE

**I-1  
Light Industry  
Zoning District**

PERMITTED USES

All uses in C-B-D. Additional uses include airport and/or dusting service, archery range, armory, bakery (wholesale), bar or lounge, battery manufacturing, beverage manufacturing, bulk plant (petroleum), canvas products manufacturing, carting (including express, crating, hauling, and storage), cemetery and mausoleum (with restrictions), clothing manufacturing, coffee roasting, cold storage plant, concrete and concrete product manufacturing, contractor (including storage yard for equipment, materials, supplies and/or vehicles), cosmetic manufacturing, creamery, dairy equipment sales, dog pound, drug manufacturing, dry goods (wholesale and manufacturing), electric power generating station, electroplating, elevator maintenance and service, farm equipment and supplies sales, feed store, feed locker plant, food manufacturing, food wholesale and storage, freight depot (railway and truck), frozen food plant, fruit and produce (wholesale), fur dyeing (including finishing and storage), glass manufacturing, hardware (manufacturing, storage, and wholesale), hatchery, hosiery mill, ice cream manufacturing, ice manufacturing, lumber yard and building materials, machine shop, machinery tools (construction equipment sales and service), mattress factory, metal sharpening, millinery manufacturing, mill work and similar woodwork manufacturing, novelty manufacturing, oil company (drilling and exploration), oil field service company, oil field supplies and machinery, packing, painting and decorating contractor, paper product manufacturing, paper supplies (wholesale), passenger depot, pipe storage, plastics fabrication, poultry storage and dressing, printing supplies manufacturing, railroad facilities, riding academy, roofing and sheet metal shop, rug cleaning, sand and gravel storage yard, seed and feed store, shoe wholesale and manufacturing, sporting goods (wholesale), stone cutting, toy manufacturing, trade school, transit vehicle storage and servicing, truck stop (with restrictions), venetian blind and metal awning (fabrication and cleaning), water distillation, welding shop, well drilling company (water).

MINIMUM LOT AREA

Same as R-2 for dwellings, except mobile homes for which 3,500 square feet per dwelling unit is required. None for other uses.

MINIMUM YARD REQUIREMENTS

- Front - For dwellings, 20 feet.
- Side - For detached dwellings, 5 feet per side.  
NONE for other uses.
- Rear - For dwellings, 10 feet.  
NONE for other uses.
- Open - For single and two-family residences, required front, side, and rear yards must be open space excepting required ingress and egress. For multifamily residences, condominiums, townhouses, and zero lot line homes open yard space must equal 20 percent of lot area with remaining 80 percent reserved for building(s) and parking. For other uses, open yard space must equal 10 percent of lot. Open space shall be at least partially planted in grass or other plantings.

**I-2  
Heavy Industry  
Zoning District**

PERMITTED USES

All uses in I-1, with the exception of dwellings, which are not permitted.

MINIMUM LOT AREA

NONE

MINIMUM YARD REQUIREMENTS

- Front - NONE
- Side - NONE
- Rear - NONE
- Open - Open yard space must equal 10 percent of lot.

**GAD  
Growth Area  
Zoning District**

**PERMITTED USES**

All existing uses at the time of annexation.

**MINIMUM LOT AREA AND YARD REQUIREMENTS**

All existing heights and setbacks at the time of annexation will be permitted. Future additions to existing structures will adhere to the height and setback as presently established that most clearly fits the existing structure use.

## MINIMUM OFF-STREET PARKING REQUIREMENTS

In calculating parking requirements, each use within a facility shall be considered and the appropriate parking ratio/s applied.

Boarding/Rooming Houses, Dormitories .....	1 space per guest room
Churches .....	1 space per 6 seats
Clubs .....	1 space per 300 square feet of floor area
Commercial Child Care Facilities.....	3 spaces plus 1 space per 600 square feet of floor area
Commercial Uses not otherwise listed in this section .....	1 space per 250 square feet of floor area
Drive-Thru Facilities, excluding food service .....	10 percent reduction of required parking
Fraternities, Sororities .....	1 space per 100 square feet of living area
Hospitals, Nursing Homes .....	1 space per 3 beds plus ancillary uses
Hotels/Motels.....	1 space per guest room
Industry, Manufacturing, Warehouse, Distribution Centers	
▪ Less than 10,000 square feet of floor area.....	1 space per 500 square feet of floor area
▪ 10,000 or more square feet of floor area .....	20 parking spaces plus 1 additional parking space for every 3 employees
Libraries, Museums, Art Galleries .....	1 space per 300 square feet of floor area
Mobile Homes and Mobile Home Parks .....	1 space per dwelling unit
Offices	
▪ Medical .....	1 space per 200 square feet of floor area
▪ Professional, Non-Medical.....	(See table following this list)
Residences	
▪ Single-Family.....	1 space per dwelling unit
▪ Two-Family.....	1 space per dwelling unit
▪ Condominiums, Townhouses .....	1.5 spaces per dwelling unit
▪ Multifamily.....	1.5 spaces per dwelling unit
Restaurants, Bars .....	1 space per 4 seats in the seating area plus 1 space per 200 square feet of remaining floor area
Schools	
▪ Elementary and Middle.....	1.5 spaces per classroom
▪ High.....	7 spaces per classroom
▪ University and College .....	1 space per 10 classroom seats
▪ Business Colleges, Trade Schools, Instructional Studios.....	1 space per 4 classroom seats

Self-Storage/Miniwarehouse Facilities.....	1 parking space per on-site dwelling unit plus 1 parking space per 200 square feet of office space and 1 parking space for every 2 employees
Theaters, Auditoriums, Gymnasiums, Convention Halls.....	1 space per 5 seats, permanent and portable

**ON-SITE PARKING SPACES REQUIRED  
FOR PROFESSIONAL NON-MEDICAL BUILDINGS**

<i>Building Area (Sq. Ft.)</i>	<i>Parking Sp. Required</i>	<i>Building Area (Sq. Ft.)</i>	<i>Parking Sp. Required</i>	<i>Building Area (Sq. Ft.)</i>	<i>Parking Sp. Required</i>
1-500	3	21,501-22,000	73	43,001-43,500	135
501-1,000	5	22,001-22,500	75	43,501-44,000	136
1,001 - 1,500	8	22,501-23,000	77	44,001-44,500	138
1,501 - 2,000	10	23,001-23,500	78	44,501-45,000	139
2,001 - 2,500	13	23,501-24,000	79	45,001-45,500	140
2,501 - 3,000	15	24,001-24,500	82	45,501-46,000	141
3,001 - 3,500	18	24,501-25,000	83	46,001-46,500	142
3,501 - 4,000	20	25,001-25,500	85	46,501-47,000	144
4,001 - 4,500	22	25,501-26,000	86	47,001-47,500	145
4,501 - 5,000	25	26,001-26,500	88	47,501-48,000	146
5,001 - 5,500	26	26,501-27,000	89	48,001-48,500	148
5,501 - 6,000	27	27,001-27,500	91	48,501-49,000	149
6,001 - 6,500	28	27,501-28,000	92	49,001-49,500	151
6,501 - 7,000	29	28,001-28,500	93	49,501-50,000	152
7,001 - 7,500	30	28,501-29,000	95	50,001-50,500	153
7,501 - 8,000	31	29,001-29,500	96	50,501-51,000	155
8,001 - 8,500	32	29,501-30,000	97	51,001-51,500	156
8,501 - 9,000	33	30,001-30,500	98	51,501-52,000	158
9,001 - 9,500	34	30,501-31,000	100	52,001-52,500	159
9,501 - 10,000	35	31,001-31,500	101	52,501-53,000	160
10,001 - 10,500	36	31,501-32,000	103	53,001-53,500	161
10,501 - 11,000	38	32,001-32,500	104	53,501-54,000	162
11,001 - 11,500	39	32,501-33,000	105	54,001-54,500	163
11,501 - 12,000	42	33,001-33,500	107	54,501-55,000	164
12,001 - 12,500	43	33,501-34,000	108	55,001-55,500	165
12,501 - 13,000	44	34,001-34,500	110	55,501-56,000	167
13,001 - 13,500	46	34,501-35,000	111	56,001-56,500	168
13,501 - 14,000	47	35,001-35,500	113	56,501-57,000	169
14,001 - 14,500	49	35,501-36,000	114	57,001-57,500	170
14,501 - 15,000	50	36,001-36,500	115	57,501-58,000	171
15,001 - 15,500	53	36,501-37,000	117	58,001-58,500	173
15,501 - 16,000	54	37,001-37,500	118	58,501-59,000	174
16,001 - 16,500	55	37,501-38,000	120	59,001-59,500	175
16,501 - 17,000	57	38,001-38,500	121	59,501-60,000	177
17,001 - 17,500	59	38,501-39,000	123	60,001-60,500	178
17,501 - 18,000	61	39,001-39,500	124	60,501-61,000	179
18,001 - 18,500	62	39,501-40,000	125	61,001-61,500	181
18,501 - 19,000	63	40,001-40,500	127	61,501-62,000	182
19,001 - 19,500	65	40,501-41,000	128	62,001-62,500	183
19,501 - 20,000	67	41,001-41,500	129	62,501-63,000	184
20,001 - 20,500	68	41,501-42,000	131	63,001-63,500	185
20,501 - 21,000	70	42,001-42,500	132	63,501-64,000	187
21,001 - 21,500	72	42,501-43,000	133	64,001-64,500	188

**ON-SITE PARKING SPACES REQUIRED  
FOR PROFESSIONAL NON-MEDICAL BUILDINGS**

<i>Building Area (Sq. Ft.)</i>	<i>Parking Sp. Required</i>	<i>Building Area (Sq. Ft.)</i>	<i>Parking Sp. Required</i>
64,501-65,000	189	86,001-86,500	246
65,001-65,500	190	86,501-87,000	248
65,501-66,000	191	87,001-87,500	249
66,001-66,500	192	87,501-88,000	250
66,501-67,000	194	88,001-88,500	252
67,001-67,500	195	88,501-89,000	253
67,501-68,000	196	89,001-89,500	255
68,001-68,500	197	89,501-90,000	256
68,501-69,000	199	90,001-90,500	258
69,001-69,500	200	90,501-91,000	259
69,501-70,000	201	91,001-91,500	261
70,001-70,500	202	91,501-92,000	262
70,501-71,000	204	92,001-92,500	263
71,001-71,500	205	92,501-93,000	265
71,501-72,000	206	93,001-93,500	266
72,001-72,500	207	93,501-94,000	268
72,501-73,000	209	94,001-94,500	269
73,001-73,500	210	94,501-95,000	271
73,501-74,000	211	95,001-95,500	272
74,001-74,500	212	95,501-96,000	273
74,501-75,000	213	96,001-96,500	275
75,001-75,500	214	96,501-97,000	276
75,501-76,000	216	97,001-97,500	278
76,001-76,500	218	97,501-98,000	279
76,501-77,000	219	98,001-98,500	281
77,001-77,500	221	98,501-99,000	282
77,501-78,000	222	99,001-99,500	283
78,001-78,500	223	99,501-100,000	285
78,501-79,000	225	100,001-100,500	286
79,001-79,500	226	100,501-101,000	287
79,501-80,000	227	101,001-101,500	289
80,001-80,500	228	101,501-102,000	290
80,501-81,000	230	102,001-102,500	291
81,001-81,500	231	102,501-103,000	293
81,501-82,000	233	103,001-103,500	294
82,001-82,500	234	103,501-104,000	295
82,501-83,000	236	104,001-104,500	297
83,001-83,500	237	104,501-105,000	298
83,501-84,000	239	* Over 105,000	
84,001-84,500	240		
84,501-85,000	241		
85,001-85,500	243		
85,501-86,000	245		

\* Any building area exceeding 105,000 sq. ft. will be required to have one parking space for each additional 350 sq. ft. of building area.

## SUPPLEMENTARY REGULATIONS

### AREA

1. Where a lot has less area than the minimum requirements for the residential district within which the lot is located and was a lot of record, that lot may be used only for a single-family dwelling or public utilities.
2. More than one main institutional, public or semi-public, commercial, or industrial building may be built on a lot provided it is located within the buildable area of the lot, and it has been approved on a final subdivision plat approved by the Planning Commission. Said buildings must be separated by a minimum of ten feet.
3. In the case where a development includes private streets or common areas, these areas can be applied proportionally in the calculation of the minimum lot size in all zoning districts, excluding the Special Districts.

### HEIGHT

There are no maximum building height restrictions unless otherwise restricted by airport zoning or other ordinances.

### USES

#### Accessory Apartments

Accessory apartments are allowed with the following conditions:

1. Only one accessory apartment is allowed per lot.
2. An accessory apartment may contain a maximum area of 25 percent of the living area of the principal dwelling unit, not to exceed 1,000 square feet.
3. An accessory apartment may never be sold or rented separately from the principal dwelling unit.
4. An accessory apartment must meet the minimum setback requirements of the principal structure.
5. Prior to approval of an accessory apartment, the property owner must submit a site plan showing the lot and all existing and/or proposed structures, with floor plans, on the lot.
6. Prior to approval of the accessory apartment, the property owner must sign an affidavit, to be recorded with the Lafayette Parish Clerk of Court, stating and agreeing to all of the above conditions.

## Cemeteries

Cemeteries and mausoleums are permitted in the R-2, R-4, B-1-L, B-T, B-2-I, B-G, CBD, I-1, and I-2 zoning districts, provided that:

1. A sight-proof fence, not less than five feet, nor more than seven feet in height and made of masonry, wrought iron, or other durable material shall be constructed around the entire site. Sight-proof requirements may be replaced with different forms of fencing (i.e., wrought iron), provided that vegetative shrubbery or trees be planted for the purpose of screening.
2. A 20 foot green area shall exist for the front setback, five foot green area for the side setback(s), and ten-foot green area for the rear setback. No structure of any kind shall be permitted within the required yard setbacks.
3. The site shall have direct access to an arterial or collector street.
4. The property shall have ten acres of land or more. It must be dedicated as a cemetery or mausoleum in accordance with State regulations.
5. All development plans shall be reviewed and approved by the Planning Commission in accordance with appropriate subdivision regulations.
6. The City-Parish Council, upon recommendation by the Planning Commission, may approve height restrictions on any building, structure, or object located within the development.
7. Cemeteries and mausoleums are not to be considered an accessory use to churches, and therefore, are not allowed in the R-1-A, R-1-B, R-1-C, and Special Zoning Districts.

## Drug Stores

Drive-thru service windows are permitted in B-N and B-1-L zoning districts for the dispensing of pharmaceutical products only.

## Fences

1. Fences may be erected along the boundaries of a lot or yard area, except as may be restricted elsewhere herein. Additional fences may be erected within required yards.
2. When a property developed for commercial or industrial purposes (including the parking area) adjoins property bearing a residential zoning classification, a barrier providing privacy to adjoining properties shall be constructed on the side and/or rear property lines of such commercial or industrial property. This requirement shall also apply to property lines separating property developed for mobile homes, townhouses, condominiums, zero lot line homes, or multi-family purposes from property bearing R-1-A, R-1-B, R-1-C zoning classifications. The minimum required height of said barrier shall not be less than six feet. The barrier shall be maintained in good repair.  
(Illustration A-1)

If the finished grade of a development, within ten feet of the zoning district line, differs two feet or more from the grade of the adjacent property, the developer shall submit plans proposing additional screening. These plans must be approved by the Board of Zoning Adjustment.

### Fuel Sales

Sale of gasoline or diesel fuel is allowed in B-T and B-2-I provided that:

1. A sight-proof fence not less than five feet nor more than seven feet in height and made of masonry or other durable material, including low maintenance wood, will be required to be constructed on commercially zoned property when abutting residentially zoned property.
2. Servicing of vehicles and service stations are prohibited.

### Self-Service Storage Facilities

1. The maximum lot size for a self-service storage facility in a B-T zoning district is three acres.
2. All buildings in any self-service storage facility in a B-T zoning district shall be limited to one story, unless approved by the Board of Zoning Adjustment.
3. No doors to access individual rental units shall face adjacent residentially zoned property.
4. Where a solid wall of a facility abuts a residential zoning district, said wall may serve as the required sight-proof fence, with the requirement of a ten-foot landscaped building setback. In these instances, minimum landscaping shall consist of a well-maintained grassy area with Class B trees planted at least every 20 feet.
5. The storage of hazardous materials, such as toxic or explosive substances, is prohibited.
6. All outdoor lighting fixtures shall be installed in such a manner that the source of each individual light is shaded, positioned, and maintained so as not to be visible from off the premises.

### Service Stations

No service station, fuel dispenser or public garage shall be permitted within 50 feet of a residentially zoned lot.

### Truck Stops

1. The property on which a truck stop is located must have frontage on or within 1,000 feet of Interstate 10 or Interstate 49 or their service roads. An illustration will be kept in the Department of Planning, Zoning, and Codes for reference.
2. Truck stops must provide the following at the site:
  - a. Property must be a minimum of five acres in size.

- b. Must provide parking for 50 trucks.
- c. Must provide a 50-seat restaurant.
- d. Must provide showers.
- e. Must provide scales.

## **YARDS**

### Canopies & Gas Pumps

1. Open, unenclosed canopies located in the B-T, B-2-I, and B-G zoning districts, which are part of a commercial use, shall be setback at least ten feet from all property lines.
2. Gas pumps and/or fuel dispensers shall be setback a minimum of 20 feet from front property lines and a minimum of ten feet from all side and rear property lines. On a corner lot, gas pumps shall be setback 20 feet from all property lines.

### Carwash

Any open side must be at least 25 feet from the property line.

### Communication Antennae (Residential)

This Ordinance governs only communication antennae located on lands used residentially and does not impose any regulations on commercially used antennae.

This Ordinance shall not apply to those communication antennae in place or operational on or before the effective date of this Ordinance. Any subsequent relocation of the communication antennae or support(s) shall be in compliance with this Ordinance. Additions or reductions in the height of communication antennae shall not be governed by this Ordinance.

1. A communication antenna may be located in the front yard on presentation of an affidavit that, in order to utilize the communication antenna correctly, its geographical location must be in the front yard; or, upon presentation of an affidavit that the cost of locating the communication antenna in the side or rear yard, because of geographical considerations, would exceed ten percent of the cost of the communication antenna.
2. Communication antennae shall be allowed in the rear and side yards provided the construction is no closer than the front sill of the main dwelling to the front lot line. No portion of any antennae (excluding wires, cables, etc. necessary for support, which may be located to the rear and side yard property lines) shall be located closer than three feet to any lot line. Guy wires and anchors may be located in front yards.
3. In addition, on corner lots, no communication antennae shall be located closer than ten feet to the side street property line. No construction shall be allowed in the 30- foot sight triangle of a street intersection.

### Construction Adjacent to Drainage Easements

For any property abutting an improved and/or unimproved coulee, no permanent structure can be constructed within the required easement. The required easement parallels the bank of the improved and/or unimproved coulee and extends 20 feet from said bank. Quasi-permanent structures may be constructed in the required easement, only under the following conditions:

1. Location of the quasi-permanent structure must be reviewed and approved by the Director of Public Works.
2. Any damage incurred by the structure during maintenance or improvement of the coulee will be the responsibility of the property owner, not the City-Parish of Lafayette.

### Corner Lot Requirements

On every corner lot developed for residential purposes, there shall be provided on the side street a side yard measuring a minimum of ten feet in depth provided that:

1. No part of any driveway entering the property in question, either from the front or side street, shall be closer than 30 feet from the point of intersection of the right-of-way lines of said streets.
2. No part of any garage or carport structure having access to and facing the side street shall be closer than 20 feet from the right-of-way line of said street. (Illustration A-2)
3. Any parking pad having access from and/or facing the side street shall have a minimum length of 20 feet, and no part of said pad shall protrude into the street right-of-way.
4. Should the side street be a major arterial or collector street, as defined in the Consolidated Thoroughfare Plan, then the side yard requirement shall be 20 feet. (Illustration A-3)

### Detached Accessory Buildings

1. Detached buildings accessory to residential use have no maximum area provided the following setback requirements are met:
  - a. Structures are set back at least 20 feet and located no closer to the front property line than the front wall(s) of the principal structure.
  - b. The side setback on interior lots, or on corner lots on the side opposite the street side, is at least five feet.
  - c. On corner lots, a detached accessory building may be no closer to the side street than the principal structure.
  - d. The rear setback is a minimum of ten feet.

2. Only one detached accessory building will be allowed to encroach on the side and/or rear setbacks with maximum allowable area of said building being calculated by the following formula:

***Rear lot width x required rear setback x 40% = maximum allowable area of the detached accessory building***

- a. The maximum allowable area of the building shall not exceed 600 square feet.
  - b. A detached accessory building encroaching on side and/or rear setbacks shall be no closer than three feet to either property line.
  - c. On corner lots, a detached accessory building may be no closer to the side street than the principal structure.
  - d. A detached accessory building encroaching on side and/or rear setbacks must be located no closer to the front property line than the rear wall of the principal structure.
3. The primary garage or carport may be detached and located in front of the principal structure but must meet all minimum yard requirements.

#### Driveways (Residential)

1. All driveways and/or parking pads shall be located no closer than three feet to side or rear property lines and shall not conflict with sight triangle regulations. If the driveway or parking pad is designed and constructed to slope away from the adjoining side and/or rear property line, it may be constructed adjacent to the side and/or rear property line.
2. All parking pads shall extend into the lot a minimum of 20 feet measured along its shortest side from the property line.
3. Circular driveways/parking pads having both points of access on the same street are permitted provided that any existing or required sidewalk is routed around the driveway/parking pad. (Illustration A-4) Should the driveways be so close to the front sill of the house that the owner does not desire the sidewalk to be located around the driveway, the sidewalk may maintain a straight path, parallel to the street, provided there is a green space between the sidewalk and driveway that is at least four feet wide for at least ten feet of its length. (Illustration A-5)

#### Encroachment into the Required Rear Yard

One encroachment into the required rear yard setback is allowed (for the principal structure) provided that:

1. The encroachment shall not be closer than five feet to the rear lot line.
2. The encroachment shall only be permitted on one side of the lot when the lot is divided by extending a line that divides the rear and front lot lines in half.
3. No building or portion of building located on the other side of the lot shall be located closer than the required rear yard setback plus the amount of the setback reduced by the encroachment.

4. The encroachment shall be permitted upon receipt of a site plan demonstrating that all existing and proposed construction is in compliance with the provisions of this Ordinance. A plat of survey (by a registered land surveyor) shall be required after construction has begun and before the structure is occupied. (Illustration A-6)

#### Movement of Zoning Line

Where a lot is divided by a district boundary line, the Board of Zoning Adjustment may permit the less restricted portion of such lot to extend not more than 30 feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district. (Illustration A-7)

#### Pools

1. No pool or any portion of the pool structure itself shall be allowed in any easement. The decking surrounding the pool may be allowed in an easement, provided that any relocation or replacement of decking necessitated by utilization of the easement by the City-Parish, or any entity authorized to utilize said easement, shall be at the expense of the property owner.
2. The edge of the pool shall be set back one foot from the adjoining property line for every foot of pool depth at that point, plus one additional foot, up to a maximum setback from any particular property line of ten feet.
3. No pool shall be constructed closer than 21 feet from the front property line.
4. No pool shall be permitted in any required sight triangle area.
5. Pool decking may be constructed to the property line, provided the decking is constructed in such a fashion as to so divert water inward toward the pool and/or property upon which it is located.
6. For good cause shown, variances from the herinafter set forth setback provisions may be granted by the Hearing Examiner for any pool situated outside the corporate limits of the City of Lafayette and by the Board of Zoning Adjustment for any pool situated within the corporate limits of the City of Lafayette.

#### Projections into Required Yards

1. Open fire escapes may not extend into any required yard more than five feet.
2. Every part of a required yard shall be open to the sky except normal projections not over 24 inches, and bay windows may project into any required yard not more than 24 inches.

#### Required Yards

1. Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district. (Illustration A-8)

2. Where a lot fronting on a street is zoned partly industrial, the front yard depth in the industrial district shall be equal to the required front depth of the other district.
3. Required yards adjacent to public streets or alleys shall be measured from the property line adjacent to the right-of-way. Where lots are created adjacent to or abutting a substandard public right-of-way, a building setback line shall be placed at a distance from the public right-of-way equal to the sum of one-half of the right-of-way deficit and any setback required as part of these regulations.
4. Required yards adjacent to private streets or alleys shall be measured from the edge of pavement or back of curb of the street, whichever is closest to the structure.
5. There are no required front yards for townhouse developments on private streets or alleys.
6. Side yard requirements may be waived provided that a complete subdivision development plan is submitted to the Planning Commission showing the proposed location of all buildings, the maximum buildable area, and provided further that the covenants for said subdivision stipulate that there shall be a permanent easement of at least ten (10') feet between each main building. Additionally, all property adjacent to that being developed shall be protected by necessary servitudes on the developed site so that no building(s) will be placed on the property line of any adjacent land.

#### Setback Reductions

1. Any lot less than 100 feet deep may have front and rear yard areas reduced by one percent for each foot that the depth of the lot is less than 100. (Illustration A-9)
2. In the case of a lot less than 50 feet in width, the minimum side yard requirement is ten percent of the lot width. (Illustration A-10)
3. No building need be set back from the street more than the average front yard depth of the buildings within 100 feet on either side.

#### Sight Triangles

On a corner lot in any district, located on private and/or public streets, no automobile, trailer, sign, movable object, fence, wall, hedge, or other structure shall be erected, placed, or maintained within the triangular area formed by the intersecting projections of the right-of-way lines (for public streets) or the edge of the pavement (for private streets) at points which are 30 feet distant from the point of intersection, measured along said right-of-way lines or edge of pavement. Excluded from this restriction are: (a) utility poles, guy wires, and fire hydrants; (b) traffic and/or street signs where necessary; (c) trees situated in the said triangular area as of the effective date of this Ordinance; and (d) plantings or grass which are less than 12 inches in height from grade. (Illustrations A-11 and A-12)

#### Terraces

Uncovered, paved terraces shall not be considered in determining lot coverage.

## **ARTICLE VI – NON-CONFORMING USES**

**SECTION 1 – EXISTING USES:** The lawful use of any building or land existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance.

**SECTION 2 – CONSTRUCTION APPROVED PRIOR TO ORDINANCE:** Any building legally under construction which will become non-conforming at the time this Ordinance or amendment thereto becomes effective may be established as a bona fide non-conforming use by the Board of Zoning Adjustment if the Board finds that such construction represents a substantial investment.

**SECTION 3 – EXTENSION:** Attachment of signs, awnings, display materials, lights, or other extensions shall not be considered extensions of a non-conforming use provided that the attachment shall not constitute/accomplish any increase in square footage or cubical content. Increases in square footage or cubical content are expressly prohibited unless authorized by the Board of Zoning Adjustment through the appropriate variance process. The aforesaid attachment of signs shall be in accordance with the Zoning Ordinance at the time of said attachment. Buildings which are used for neither commercial nor industrial purposes and are non-conforming only as to yard areas or lot area per family may be structurally altered and their cubical content increased if such alteration or increase in cubical content does not further encroach upon any required yard space or off-street parking area.

**SECTION 4 – DISPLACEMENT:** No non-conforming use shall be extended to displace a conforming use.

**SECTION 5 – ALTERATIONS:** A non-conforming building may not be reconstructed or structurally altered unless destroyed by vandalism, fire, storms, or other Acts of God or the public enemy, provided the restoration is accomplished with no increase in cubical content and no increase in floor area of the building existing immediately prior to the damage.

**SECTION 6 – UNSAFE STRUCTURES:** Any non-conforming structure or portion thereof declared unsafe by a proper authority shall be restored to a safe condition.

**SECTION 7 – CHANGES:** Once changed to a more restricted use or to a conforming use, no building or land shall be permitted to revert to a non-conforming use. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.

**SECTION 8 – VACANT:** No building or portion thereof or land used in whole or part for non-conforming purposes according to the provisions of this Ordinance, which hereafter becomes and remains vacant for a continuous period of 12 calendar months shall again be used except in conformity with the regulations of the district in which such building or land is situated. The intention to use a building or lot or part thereof for any non-conforming use, shall not be taken into consideration in interpreting and construing the word “vacant” as used in this Ordinance.

If the lessee of any building or place used or occupied for non-conforming purposes under a bona fide lease, shall at any time before expiration of said lease, cease to occupy or use the building for non-conforming purposes, the building or land shall not be considered vacant until the owner of the buildings or land shall again obtain legal control of its occupancy and use. This exemption shall not apply if the lessor, for any reason, is entitled legally to regain possession and does not attempt to do so by legal or other effective means.

In the event of bankruptcy a building or place used for non-conforming purposes shall not be considered vacant until said building or place is sold or possession thereof returned to the owner by order of court or otherwise in the bankruptcy proceedings.

Any building or land used for non-conforming commercial or industrial purposes upon which a mortgage has been inscribed and recorded shall not be considered vacant after foreclosure proceedings have been instituted until mortgagee or purchaser, at foreclosure sale, takes possession and ownership is established by court procedure or until mortgagee gains possession of the property by a recorded legal transfer.

**SECTION 9 -PROOF OF LEASE:** In order to prove the existence of a lease, the owner or his duly authorized agent must furnish the Zoning Administrator with a copy of said lease prior to approval of a Certificate of Occupancy for the subject site. If an unwritten lease exists, a notarized affidavit on a form provided by the Zoning Administrator must be filed with the Zoning Administrator prior to the approval of a Certificate of Occupancy for the subject site.

**SECTION 10 – DISTRICT CHANGES:** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

## **ARTICLE VII – ADMINISTRATION**

**SECTION 1 – ENFORCEMENT:** It shall be the duty of the Zoning Administrator to enforce this Ordinance. It shall also be the duty of all officers and employees of the City-Parish Government, and especially of all members of the Police Department, to assist the Zoning Administrator by reporting new construction, alterations, relocations, repairs, land uses, or seeming violations. Appeal from the decision of the Zoning Administrator may be made to the Board of Zoning Adjustment as provided in Article VIII of this Ordinance.

**SECTION 2 – BUILDING PERMITS:** No building or structure shall be erected, altered, repaired, or relocated until a building permit has been approved by the Zoning Administrator and all appropriate Departments of the Lafayette Consolidated Government as designated by the Zoning Administrator. The application for an issuance of such permits shall be in accordance with the requirements of the Building Code.

**SECTION 3 – CERTIFICATES OF OCCUPANCY:** No change in the use or occupancy of land or of an existing building or structure shall be made, nor shall any new building or structure be used or changed in use until a Certificate of Occupancy has been issued by the Zoning Administrator. No Certificate of Occupancy shall be issued unless the building, land, or structure complies with all provisions of the Zoning Ordinance and all terms and conditions of any building permits previously issued for the building, land, or structure. Building permits are issued by the Department of Planning, Zoning, and Codes, but only after approval from the Zoning Administrator has been obtained as above described. The issuance of such a Certificate shall be in accordance with the following procedure:

- I. Applications for Certificate of Occupancy shall be made concurrently with the application for a building permit. After determining that the proposed erection, alteration, relocation, or change in use is in compliance with the provisions of the Zoning Ordinance and all terms and conditions of any building permits previously issued, such application shall be approved by the Zoning Administrator within ten days from the date of submission except where there is a delay beyond control of the Zoning Administrator.
- II. All requests for a Certificate of Occupancy shall be accompanied by all appropriate information as may be required to determine compliance with the land use regulations.
- III. A final Certificate of Occupancy shall be issued within ten days after the completed work has been inspected and approved as complying with the provisions of this Ordinance and any conditions of any building permits previously issued for the building, land, or structure.
- IV. This article shall in no case be construed as precluding the owner, owners, or authorized agents of property for which a Certificate of Occupancy has been issued, from obtaining subsequent Certificates of Occupancy as may be required for changes in ownership, tenancy, intended use or repairs/alterations/additions to said building.

## ARTICLE VIII – BOARD OF ZONING ADJUSTMENT

### SECTION 1: LEGISLATIVE INTENT

- A. Pursuant to the provisions of the Home Rule Charter for Lafayette City-Parish Consolidated Government, the Lafayette City-Parish Council has the ability, by ordinance, to reorganize any Board or Commission in existence at the date the Charter becomes effective. The Lafayette City-Parish Council does hereby reorganize the Board of Zoning Adjustment.
- B. This Ordinance, O-180-96, as amended, is intended to supersede and replace Article VIII being entitled Board of Zoning Adjustment of Ordinance O-191 of the Code of Ordinances of the City of Lafayette, Louisiana, and it shall be codified as such. Furthermore, upon the enactment of a Code of Ordinances for the Lafayette City-Parish Consolidated Government, the ordinance shall be included in that codification under the subject matter as indicated in the title:

SECTION 2: EXISTING BOARD – As of the effective date of the Home Rule Charter, there was in existence the Board of Zoning Adjustment and the Lafayette City-Parish Council does now reorganize that existing Board under the terms and conditions contained in this Ordinance.

SECTION 3: NAME – The Board shall continue to be known as the Board of Zoning Adjustment.

SECTION 4: NUMBER OF MEMBERS – The Board shall consist of five members and two alternate members. Any member or alternate member must be a land owner in Lafayette Parish, Louisiana, as well as a registered voter and domiciled within the corporate limits of the City of Lafayette, Louisiana, at the time of his/her appointment, and he/she must remain a land owner and a registered voter and domiciled within the corporate limits of the City of Lafayette, Louisiana during his/her term of office. The two alternate members shall serve only when called upon to constitute a quorum. When serving, alternate members shall have all of the powers and duties of regular members.

SECTION 5: METHOD OF APPOINTMENT – The City-Parish President shall appoint one member as his direct appointment. Four members will be the direct appointments of the Lafayette City-Parish Council. One of the four members shall be a minority as defined by La. R.S. 38:2233.2. The two alternate members shall be the direct appointments of the Lafayette City-Parish Council as a whole.

- A. INITIAL APPOINTMENTS – The initial Board, as reorganized, shall be appointed by resolution of the Lafayette City-Parish Council.
- B. SUBSEQUENT APPOINTMENT – All members shall be removable for cause by the appointing authority upon written charges and after public hearing as provided by La. R.S. 33:4727. Any vacancy shall be filled for the unexpired term of any member whose term becomes vacant. Subject to the foregoing, all of the above members shall continue to serve until the expiration date of their appointment. Any appointment made after these initial appointments shall also be removable for cause by the appointing authority upon written charges and after public hearing. Subject to the same, any such appointments shall be

designated by the appointing authority for a period of five years from the date of appointment as provided by La. R.S. 33:4727. With reference to the two alternate members, one member shall be appointed for a term of three years and the second alternate shall be appointed for a term of two years. Thereafter, each alternate member will be appointed for a term of three years.

- C. TERM LIMITS – The limitation of service shall be three consecutive terms but in no case to exceed 12 consecutive years. In the case of these initial appointments, prior service on the Board shall be counted toward this term limitation.
- D. UNEXPIRED TERM – Service of one-half or more of an unexpired term shall be considered a term within the meaning of this limitation.
- E. REAPPOINTMENT AFTER TERM LIMIT SERVED – In order for an individual to be considered for reappointment to this Board on which that individual previously served the maximum length of time allowed, a period of four years must elapse since the last day of service of that individual on this Board before said individual can be reappointed.
- F. NOTIFICATION OF APPOINTMENT – The appointing authority for any appointments shall communicate, in writing, to the Clerk of the City-Parish Council the name of the appointee, the name of the Board, Commission, and/or Local Agency for which the appointment has been made and the date of the appointment. All appointments to any Board, Commission, and/or Local Agency shall be memorialized by adoption of an ordinance or resolution of the Lafayette City-Parish Council.

SECTION 6: FUNCTION OF BOARD – The functions of the Board shall be as follows:

- A. The Board may determine and vary the regulations and restrictions adopted in the Comprehensive Zoning Ordinance of the City of Lafayette and may determine and vary its application in harmony with its general purpose and intent and in accordance with the general or specific rules contained herein.
- B. The Board shall adopt its rules and regulations; however, any rules adopted by the Board of Adjustment, Zoning Administrator, or other official shall not be effective until approved in writing by the Lafayette City-Parish Council.
- C. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his absence, the acting Chairman or Vice-Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its meetings showing the vote of each member upon each question or if absent or failing to vote indicating the fact, and shall keep records of the examination and other official actions, all of which shall be filed immediately in the office of the Board and shall be public records. All testimony, objections thereto, and rulings thereon, shall be taken by an auditory recording or by a reporter employed by the Board for that purpose.

- D. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the Lafayette City-Parish Government affected by any decision of the administrative officer. Appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the grounds therefore. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken, after all transcript costs and all of the costs of appeal are paid by the person or entity taking the appeal, the appellant. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the interested parties, and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- E. The Board of Adjustment shall have the following powers:
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Comprehensive Zoning Ordinance of the City of Lafayette.
  2. To hear and decide all matters referred to it or upon which it is required to pass under the Comprehensive Zoning Ordinance.
  3. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Comprehensive Zoning Ordinance, to vary or modify the application of any of the regulations or provisions of the Ordinance relating to the use, construction, or alteration of buildings or structures or the use of land so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.
  4. In exercising the above mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have all of the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the members of the Board present and voting shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any ordinance, or to effect any variation in the Comprehensive Zoning Ordinance.
  5. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Adjustment, of any officer, department, board, or bureau of the Lafayette City-Parish Government, concerning the Comprehensive Zoning Ordinance may present to the District Court in Lafayette Parish, Louisiana a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the Court within 30 days after filing of the decision in the office of the Board.

Upon the presentation of such petition, the Court may allow a writ of certiorari directed to the Board of Zoning Adjustment to review the decision of the Board of Zoning Adjustment and shall prescribe therein the time within which a return may be made and served upon the relater's attorney, that shall not be less than ten days but which may be extended by the Court.

The party requesting the appeal or writ shall bear the cost of transcribing the auditory recording of the meeting in which the adverse Board of Zoning Adjustment decision was rendered.

The Board of Zoning Adjustment shall not be required to return the original papers acted upon by it, but may return certified or sworn copies thereof or such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If upon the hearing it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct, the cost of which shall be borne by the party who initiated the appeal and report the same to the Court with his/her findings of fact and conclusions of law, which shall constitute a part of the proceeding upon which the determination of the Court shall be made.

The Court may reverse or affirm, wholly in part, or may modify the decision brought up for review. Cost shall not be allowed against the Board unless it appears to the Court that it acted with gross negligence, in bad faith, or with malice in making the decision appealed from. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings in accordance with La. R.S. 33:4727

## SECTION 7: MEETINGS AND PROCEDURES

- A. Meetings of the Board shall be held at the call of the Chairman and at such other time as the Board may determine.
- B. The Board may establish any policy, procedure, rule, and/or regulation concerning the conduct of its affairs, including, but not limited to, the conduct of its meetings as the Board in its sole direction shall deem necessary for the conduct of its business.

SECTION 8: ORGANIZATION AND QUORUM OF THE BOARD – The Board shall elect, at its first meeting and annually thereafter, a Chairman, a Vice-Chairman, and a Secretary from its membership. The term of each office shall be for one year, with eligibility for reelection. Three members of the Board shall constitute a quorum for all purposes.

SECTION 9: REPORTS – The Board shall keep an accurate record of all of its meetings and shall at least annually give to the Lafayette City-Parish Council both a written and oral report on the Board's activities for the prior year. The Board shall provide to the Clerk of the Lafayette City-Parish Council, copies of the minutes of each of its meetings.

SECTION 10: AUDIT – If the City-Parish Council determines that this Board is an entity which must be audited, the Council shall have the right, by separate Council Resolution (1) to select and designate an auditor for the Board; (2) to determine the cost of any such audit; (3) to determine how the cost of such audit shall be paid. Furthermore, the Lafayette City-Parish Council will have the right to designate a private auditor to make any audit which it desires concerning the financial affairs of the Board.

SECTION 11: BUDGET – The annual proposed budget of the Board, if any exists, shall be submitted by the Board to the Lafayette City-Parish President no later than 60 days before the end of the Board’s fiscal year. The City-Parish President shall have the proposed budget reviewed and shall submit his/her findings, if any, to the Lafayette City-Parish Council, together with his/her recommendations, if any, within 30 days after his/her receipt of the proposed budget. The Lafayette City-Parish Council shall approve each annual budget for this Board and shall have the ability to approve and/or deny any part or portion of the proposed budget of this Board.

SECTION 12: LEGAL REPRESENTATION – The Lafayette City-Parish Attorney, or his designee, shall serve as the legal advisor of this Board.

SECTION 13: GENERAL POLICY – The Board shall be subject to the general policy for all boards, commissions, and/or agencies established in any Resolution by the Lafayette City-Parish Council. The Board shall also be subject to all applicable provisions of Louisiana law, including, but not limited to, La. R.S. 33:4727.

SECTION 14: SEVERABILITY – Should any portion of this Ordinance be declared unconstitutional by a Court of competent jurisdiction, the remaining clauses will remain in full force and effect.

SECTION 15: EFFECTIVE DATE – This Ordinance shall become effective immediately upon the signature of the Lafayette City-Parish President, the elapse of ten days after receipt of the City-Parish President without signature or veto, or upon override of a veto, whichever occurs first.

SECTION 16: REPEAL – All ordinance or resolutions, or parts thereof, including, but not limited to, all ordinances or resolutions, or parts thereof, of the City of Lafayette and/or of the Parish of Lafayette, including, but not limited to, Article VIII being entitled Board of Zoning Adjustment of Ordinance O-191 of the Code of Ordinances for the City of Lafayette, and any such ordinance or resolution in conflict herewith, are hereby repealed.

## **ARTICLE IX – VIOLATION AND PENALTY**

**SECTION 1 – VIOLATION:** In case any building or structure is erected, structurally altered, or maintained, or any building, structure, or land is used in violation of this Ordinance, or occupancy of any building, structure, or land is permitted based upon falsified information, any of the proper City-Parish Officials or their duly authorized representatives, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, maintenance, use, or other violations, to restrain, correct, or abate such violations, to prevent the occupancy of such building, structure, or land or to prevent any illegal act, conduct, business, or use in or about such premises. Each day such violation continues shall constitute a separate violation. The Zoning Administrator may call upon the Chief of Police to furnish him with the necessary police personnel to carry out his orders.

**SECTION 2 – PENALTY:** The owner or general agent of a building or premises where a violation of any provision of this regulation has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part in, assists on any such violation, or maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable either by a fine not to exceed one hundred (\$100) dollars or not more than 30 days jail sentence, or both, for each and every day that such a violation continues.

## **ARTICLE X – AMENDMENTS AND PETITIONS**

**SECTION 1 – INITIATION OF AMENDMENTS:** The City-Parish Council may, from time to time, amend, supplement, or change the regulations, restrictions, or boundaries herein or subsequently established. Such amendment, supplement, or change may be initiated:

- I. By action of the City-Parish Council itself by introduction of an ordinance or by adoption of a motion.
- II. By recommendation of the Zoning Commission.
- III. By petition of property owners.

Such amendments shall be effective only if the prescriptions as set forth herein are subscribed to.

**SECTION 2 – FINAL REPORT FROM ZONING COMMISSION REQUIRED:** The City-Parish Council shall take no amendatory action nor shall any amendment to this Ordinance be effective until the City-Parish Council has received the final report of the Zoning Commission. Said report shall contain the recommendation of the Commission relative to the amendment and its reasons for making such a recommendation. The report shall be filed with the City-Parish Council within 45 days after the date of the public hearing held to consider the amendment. Failure to do so shall constitute cause for the City-Parish Council to take action on the amendment independent of the receipt of the final report.

**SECTION 3 – PUBLIC HEARING REQUIRED:** The Zoning Commission shall not file a report recommending amendments to this Ordinance, nor shall the City-Parish Council take amendatory action, nor shall any amendment be effective unless the Commission has held a public hearing upon the proposed amendment at which parties in interest have an opportunity to be heard. Said hearing may be called by the Zoning Commission upon its own initiatives; additionally it shall be called upon direction of the City-Parish Council or upon receipt of a petition from a property owner.

**SECTION 4 – NOTIFICATION OF PUBLIC HEARING REQUIRED:** No public hearing shall be held to consider a proposed amendment to this Ordinance unless notification of said hearing is given in accordance with the prescriptions set forth as follows:

- I. Hearing to consider proposed amendment initiated by petition of a property owner, Zoning Commission, or City-Parish Council. Notification of a hearing to consider an amendment to this Ordinance by a property owner, Zoning Commission, or City-Parish Council must be given as follows:
  - A. Notice of the proposed change and of the time and place of the hearing shall have been published once a week in three different weeks in the official journal of the Lafayette Consolidated Government. At least 15 days shall elapse between the first publication and the date of the hearing.

- B. Except for annexations, one or more signs be placed on the street right-of-way nearest the property every 500 linear feet of the property frontage on or before the first date of publication before the meeting, to give notice to the public of a proposed zoning change or variance request. For annexations, signs need not be placed in the interior of the annexation area.
- C. The advertisement, as per requirements of the State Law, be adhered to.
- D. The sign is to state that the property upon which it is erected, is being considered for rezoning/variance with a telephone point of contact within the Lafayette Consolidated Government, Department of Planning, Zoning, and Codes.
- E. The Department of Planning, Zoning, and Codes, will be required to mail out notices, by certified letter, of the public hearing to all of the immediate adjacent property owners of record and the owners of the property immediately adjacent to that property as per the latest tax assessor's tax rolls. (The property directly across the public road from the reclassification site will be treated as adjacent property.)
- F. The mail out to the immediately adjacent property owners and the owners of the property immediately adjacent to that property of the notice of the public hearing must be sent out at least seven days prior to the date of the public hearing.

SECTION 5 – PROCEDURE FOR FILING PETITION: A petition by a property owner for an amendment of this Ordinance shall be filed with the City-Parish Council through the Zoning Commission. In filing such a petition, the following prescriptions shall apply:

- I. Hearings on petitions for amendments to this Ordinance will be held at least three times yearly. Dates of said meetings will be at the discretion of the Zoning Commission. Action will be taken on petitions which have been filed at least 40 days prior to the date of a scheduled hearing.
- II. No petition for amendment to change a zoning classification shall be filed unless such petition is duly signed and acknowledged by the owner, or authorized agents of not less than 50 percent of the area of land for which a change of classification is requested provided, however, that where any lot located in the aforesaid area is owned in division, all co-owners must sign the petition for that lot to be included in the 50 percent area provision.
- III. Each petition for rezoning or variance shall be accompanied by three copies of a map drawn by a land surveyor registered in the State of Louisiana, to an approximate scale of one inch equals 50 feet, showing the dimensions of each lot or tract and property ownership of all immediate adjacent property owners of record as per the latest tax assessor's tax rolls. (The property directly across the public road from the reclassification site will be treated as adjacent property.) All adjacent property owners will be notified by certified letter. This map shall show all lots, streets, street names, and dimensions, existing zoning, and any other pertinent feature, such as coulees, ditches, easements, etc. By filing a petition for rezoning, the petitioners consent to allow employees of the Lafayette Consolidated Government or agents thereof to enter the property being petitioned for rezoning, for the purpose of installation, maintenance, and removal of zoning signs. The petitioner shall furnish a copy of the subdivision covenants, if any, affecting the property under consideration for rezoning, and shall certify that said covenants are currently in effect at the time of filing.

IV. Each petition shall be accompanied by a deposit of \$100.00 for each text change in the Ordinance not involving acreage. Each petition for a proposed or recommended change of zoning classification of land shall be accompanied by a filing fee, as well as a processing fee which will defray the expense involved in posting signs, advertising, and clerical and drafting supplies.

Said fees are hereby established as follows:

Filing Fee	\$250.00
Processing Fee	<u>\$250.00</u>
Total	\$500.00

Under no condition shall said fee or any part thereof be refunded by reason of failure of said proposed change of zoning to be adopted by the City-Parish Council.

V. Whenever a petition is filed requesting an amendment to the Ordinance, and said petition has been finally acted upon by the City-Parish Council, or when said petition has received no action on the part of the City-Parish Council, within 90 days, or when said petition has been officially advertised for public hearing before the City-Parish Council but has subsequently been withdrawn, then the City-Parish Council shall not consider any further landowner's petition requesting or proposing the same or less restrictive amendment for the same property within a period of two calendar years. This two-year period shall begin the date of the City-Parish Council's final legal action on said petition or the date of the expiration of the aforesaid 90-day period in case action has not been taken by the City-Parish Council, or the date of withdrawal of said officially advertised petition. This provision shall not apply in cases where the City-Parish Council wishes to consider a comprehensive zoning revision of an area larger than 20 acres.

**SECTION 6 – AMENDATORY ACTION BY THE CITY-PARISH COUNCIL WITHIN 90 DAYS FROM RECEIPT OF FINAL REPORT:** If the City-Parish Council decides to amend this Ordinance, it shall do so within 90 days from the date upon which the Zoning Commission files the final report with said Council.

**SECTION 7 – CONDITIONAL REZONING:** The City-Parish Council, upon the recommendation of the Zoning Commission, may provide for a conditional rezoning of property for a specified use, which conditional rezoning shall be effective only for so long as said property is continuously used, without interruption, for a period exceeding one year in accordance with the plans, plat, use restrictions, and other criteria recommended by the Zoning Commission and adopted by the Council.

- I. In cases where a building or buildings exist and there is no proposed new construction, the applicant shall submit to the Zoning Commission an application stating the proposed use of the property.
  - A. The Zoning Commission may recommend a time limit within which the applicant shall apply for a Certificate of Occupancy in conformity with the proposed use, which time limit shall be not less than three months nor more than six months from the final decision of the Council.

- B. In the event that the applicant ceases to use the property for the specific purpose for which application has been made and such cessation of use continues for a consecutive one year period, the property shall, without any action on the part of the Council or any other governing authority, revert to its original zoning classification.
- II. In cases where new construction is proposed, the Council, upon the recommendation of the Zoning Commission, may, in addition to any of the requirements set forth herein, require that a plan of the site be approved by the Commission and Council and filed with the Zoning Administrator and Codes Division. All improvements to the site shall be constructed in conformity with the approved plan and completed before expiration of such time period as may be set by the Council.
- A. The time limit shall be no less than six months nor more than 18 months, unless for good cause shown, the Council elects to provide a longer period.
  - B. Any plan required by the Council may include, but shall not be limited to, a floor plan, elevations, site plan, plot plan, and such other items as may be required by the Council.
  - C. The Council shall have the right to impose additional restrictions upon the use of the property, over and above the restriction that the property be used only for a specified use, including, but not limited to, restrictions relative to the site plan and any future modifications thereto, setback requirements, and such other restrictions as the Council may feel appropriate in order to permit the conditional zoning.
  - D. If, at the end of the set period, construction is not complete, the time period may be extended by three months if substantial progress is made as determined by the Zoning Administrator. Securing a permit for construction does not constitute substantial progress.
  - E. Use of the subject property shall be limited to that use for which the applicant has made application and, in the event of a cessation of such use for a consecutive period of one year, the property shall, without any action on the part of the Council or any other governing authority, revert to its original zoning classification.

## **ARTICLE XI – INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, these shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other pre-recorded agreements between parties provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or land or upon the height of buildings, or requires larger open space or larger lot area than are imposed or required by such ordinances or agreements, the provisions of this Ordinance shall control.

## **ARTICLE XII – VALIDITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance which shall continue in full force and effect.

### **ARTICLE XIII – REPEAL OF CONFLICTING ORDINANCES**

All zoning ordinances or parts of zoning ordinances, in conflict herewith are hereby repealed provided, however, that all suits at law or in equity and/or prosecutions resulting from the violation of any zoning ordinance heretofore in effect which are now pending in any of the courts of this State or of the United States shall not be abated or abandoned by reasons of the adoption of this Ordinance but shall be prosecuted to their finality the same as if this Ordinance had not been adopted and any and all violations of existing zoning ordinances, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have heretofore been instituted or prosecuted.

## **ARTICLE XIV – VARIANCE**

Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

**APPENDIX A**

**LOT ILLUSTRATIONS**

## APPENDIX B

### RECOMMENDED TREE AND SHRUB SPECIES

#### Class A Trees

<i>Acer rubrum</i> 'drummondii'	Swamp Red Maple
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Ginkgo biloba</i>	Maidenhair Tree
<i>Ilex opaca</i>	American Holly
<i>Juniperus virginiana</i> 'canaertii'	Eastern Red Cedar
<i>Liquidambar styraciflua</i>	American Sweet Gum
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Nyssa aquatica</i>	Tupelo Gum
<i>Nyssa sylvatica</i>	Black Gum
<i>Pinus Elliottii</i> (clustered 3 to 5 specimens)	Slash Pine
<i>Pinus glabra</i>	Spruce Pine
<i>Quercus acustissima</i>	Sawtooth Oak
<i>Quercus falcata</i> var. pagodifolia	Cherrybark Oak
<i>Quercus glauca</i>	Blue Japanese Oak
<i>Quercus lyrata</i>	Overcup Oak
<i>Quercus michauxii</i>	Cow Oak
<i>Quercus nuttallii</i>	Nuttall Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus shumardii</i>	Shumard Oak
<i>Quercus virginiana</i>	Live Oak
<i>Taxodium distichum</i>	Bald Cypress
<i>Tilia americana</i>	American Linden
<i>Ulmus alata</i>	Winged Elm
<i>Ulmus americana</i>	American Elm**
<i>Ulmus crassifolia</i>	Cedar Elm
<i>Ulmus parvifolia</i> 'drake'	Chinese Elm
<i>Liriodendron Tulipifera</i>	Tuliptree

\*\*Dutch Elm Disease Resistant Variety

#### Class B Trees

<i>Betula nigra</i>	River Birch
<i>Cedrus deodara</i>	Deodar Cedar
<i>Cercis canadensis</i>	Eastern Redbud
<i>Chionanthus virginicus</i>	Grancy Graybeard
<i>Cornus florida</i>	Dogwood
<i>Crataegus opaca</i>	Mayhaw
<i>Cyrilla racemiflora</i>	Titi
<i>Halesia diptera</i>	Silver-Bell
<i>Ilex x attenuata</i> 'Fosteri'	Foster's Holly
<i>Ilex</i> 'Nellie R. Stevens'	Nellie Stevens Holly
<i>Ilex decidua</i>	Deciduous Holly
<i>Ilex vomitoria</i>	Yaupon
<i>Lagerstroemia indica</i> (varieties maturing at a minimum height of 15')	Crape Myrtle

<i>Ligustrum lucidum</i>	Tree Ligustrum
<i>Magnolia virginiana</i>	Sweetbay Magnolia
<i>Myrica cerifera</i>	Wax Myrtle
<i>Osmanthus fragrans</i>	Sweet Olive
<i>Persea Borbonia</i>	Red Bay
<i>Phoenix canariensis</i>	Canary Island Date Palm
<i>Pinus Thunbergiana</i>	Japanese Black Pine
<i>Pistacia chinensis</i>	Pistachio
<i>Prunus campanulata</i>	Flowering Cherry
<i>Prunus caroliniana</i>	Cherry Laurel
<i>Prunus mexicana</i>	Mexican Plum
<i>Pyrus Calleryana 'Bradford'</i>	Bradford Flowering Pear
<i>Robinia Pseudoacacia</i>	Black Locust
<i>Trachycarpus fortunei</i> (clustered 3 to 5 specimens)	Windmill Palm
<i>Ulmus parvifolia</i>	Chinese Elm
<i>Magnolia x soulangiana</i>	Oriental Magnolia

Cabbage Palm Sabal palmetto  
(clustered 3 to 5 specimens)

Other species may be considered when presented  
as part of a landscape plan prepared by a registered  
Landscape architect licensed in the State of Louisiana.

## **Shrubs**

### **Ground Cover Shrubs 3' height\*\***

<i>Buxus microphylla</i>	Littleleaf Boxwood
<i>Fatsia japonica</i>	Fatsia
<i>Hibiscus rosa-sinensis</i>	Chinese Hibiscus
<i>Ilex cornuta 'Burfordi'</i>	Burford Holly
<i>Ilex crenata 'compacta'</i>	Dwarf Japanese Holly
<i>Ilex vomitoria 'nana'</i>	Dwarf Yaupon
<i>Juniperus species</i>	Juniper
<i>Pittosporum Tobira</i> 'Wheeler's Dwarf'	Dwarf Pittosporum
<i>Sabal Louisiana</i>	Louisiana Palmetto
<i>Sabal minor</i>	Dwarf Palmetto
<i>Sabal palmetto</i>	Sabal Palm*

### **Screening Shrubs 4' height\*\***

<i>Abelia grandiflora</i>	Glossy Abelia
<i>Butia capitata</i>	Cocos Palm*
<i>Chamaerops humilis</i>	European Fan Palm
<i>Cycus circinalis</i>	Queen Sago Palm
<i>Cycus revoluta</i>	King Sago Palm
<i>Gardenia Jasminoides</i>	Cape Jasmine
<i>Gardenia Jasminoides</i> 'Prostrata'	Dwarf Gardenia

<i>Ilex cornuta</i>	Chinese Holly
<i>Ligustrum japonicum</i>	Wax Leaf Ligustrum
<i>Livistonia chinensis</i>	Chinese Fan Palm
<i>Michelia Figo</i>	Banana Shrub
<i>Nandina domestica</i>	Heavenly Bamboo
<i>Rhododendron indica</i>	Indian Azalea
<i>Ternstroemia</i>	Cleyera
<i>gymnanthera</i>	
<i>Trachycarpus fortunei</i>	Windmill Palm*
<i>Viburnum suspensum</i>	Viburnum

### **Buffer Shrubs 12' height\*\***

<i>Callistemom rigidis</i>	Bottlebrush
<i>Camellia japonica</i>	Camellia
<i>Camellia sasanqua</i>	Sasanqua Camellia
<i>Feijoa Sellowiana</i>	Pineapple Guava
<i>Ilex attenuata 'Fosteri'</i>	Foster's Holly
<i>Nerium oleander</i>	Oleander
<i>Phoenix canariensis</i>	Canary Island Date Palm*
<i>Photinia Fraseri</i>	Fraser's Photinia
<i>Photinia glabra</i>	Redtip Photinia
<i>Pittosporum Tobira</i>	Pittosporum
<i>Raphiolepis indica</i>	Indian Hawthorn
<i>Viburnum odoratissimum</i>	Sweet Viburnum
<i>Washingtonia robusta</i>	Mexican Fan Palm*

### **Herbaceous Shrubs\*\*\***

<i>Alpinia zerumbet</i>	Shell Ginger
<i>Alpinia zerumbet 'variegata'</i>	Variegated Shell Ginger
<i>Ensete maurelii</i>	Red Abyssinian Banana
<i>Ensete vetricosum 'red stripe'</i>	Abyssinian Banana
<i>Hedychium coronarium</i>	White Butterfly Ginger
<i>Musa acuminata 'sumatrana'</i>	Bloodleaf Banana
<i>Musa acuminata</i> 'dwarf Cavendish'	Dwarf Cavindish Banana
<i>Musa acuminata 'Cavindish'</i>	Cavindish Banana
<i>Musa 'Grand Nain'</i>	Banana
<i>Musa ornata 'Lavender'</i>	Dwarf Lavender Banana
<i>Musa ornate 'milkyway'</i>	Dwarf White Banana
<i>Musa velutina</i>	Dwarf Banana
<i>Philodendron Selloum</i>	Split Leaf Philodendron

### **Shrub Like Grasses & Irises \*\*\***

<i>Arundo donax</i>	Giant Reed Grass
<i>Cymbopogon citratus</i>	Lemon Grass
<i>Deschampsia caespitosa</i>	Tufted Hair Grass
<i>Eragrostis spectabilis</i>	Purple Love Grass
<i>Iris fulva</i>	Copper Louisiana Iris
<i>Iris giganteaerulea</i>	Big Blue Louisiana Iris
<i>Iris 'Louisiana'</i>	Hybrid Louisiana Iris
<i>Iris nelsonii</i>	Abbeville Iris

<i>Iris Pseudacorus</i>	Yellow Flag or Evergreen Iris
<i>Iris vinginica</i>	Blue Flag Iris
<i>Miscanthus sinensis</i> ‘ <i>Gracillimus</i> ’	Maiden Grass
<i>Miscanthus sinensis</i> ‘ <i>Variegatus</i> ’	Varigated Maiden Grass
<i>Miscanthus sinensis</i> ‘ <i>Zebrinus</i> ’	Zebra Grass
<i>Pennisetum alopecuroides</i>	Fountain Grass
<i>Pennisetum villosum</i>	Feathertop Grass
<i>Vetiveria zizanioides</i>	Vetiver Grass

\*used as a shrub in a subtropical climate

\*\* or may be kept at this height by effective pruning

\*\*\* certain plants subject to winter die back